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Social Effects of Transportation

**By Honorable Martin A. Knapp, Chairman United States Inter-
State Commerce Commission**

SOCIAL EFFECTS OF TRANSPORTATION

By HONORABLE MARTIN A. KNAPP

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The progress of mankind in devising means of transportation embraces three distinctive stages. The primitive man traveled on foot and moved his scanty belongings with his own muscle; and we can only imagine the ages that elapsed before he secured any aid for the transfer of his person or his property other than his own bodily powers.

Probably the first contrivance for carriage was a rough-hewn plank or pole dragged upon the ground. Two connected planks doubtless formed the original sled. Finally the idea was conceived—some accident suggesting it—of lessening friction by the use of rollers. The rollers gradually developed into wheels, and when at last the wheels were made in pairs which revolved upon an axle the essential feature of all subsequent vehicles was devised and employed.

The earliest movement on water, we may suppose, was equally crude and simple. Some observant savage noticed that wood did not sink, and later found out by experiment that a floating log would remain on the surface even when his own weight was added. The rude dug-out followed the discovery. The stick or limb by which the dug-out was pushed and turned shaped itself at length into the lighter and more effective paddle; the hollowed log was succeeded by a framed and covered structure, the paddles became oars; and thus was evolved in prehistoric times the type of all later boats on lake and stream. It was centuries after this—no one knows how many—before the force of wind was utilized by the invention of sails, and when that immense advance was achieved the enduring era of ship-building commenced.

Roughly speaking, then, we may assign to the first stage in the development of transport such results as were obtained by the muscular strength of man, whether applied directly to the articles carried or used in propelling the clumsy vehicles and water craft which he had constructed. The motive power in all cases

was the unaided energy of his own body. And no later addition to the resources then at his command, it should be observed, has wholly displaced the original method. The natural powers of locomotion have not only remained unabated, but have greatly increased by experience and training. Indeed, the manual handling of articles of property must always be an important incident of ownership and exchange, since no mechanical device can meet all the needs of transfer or equal the delicacy and dexterity of our bodily organs. Nor should we overlook in this connection the many-sided ingenuity which has been displayed in constructing and perfecting a great variety of vehicles for hand propulsion. The latest examples of this ingenuity are the light racing shells which can be rowed with such remarkable rapidity, and that unique and fascinating machine, the up-to-date bicycle. These are at once the survival and the consummation of primitive transportation, that is to say, transportation where human energy is the motive power.

To the second stage of this development belongs the great increase of force which was obtained by the subjugation of animals and their employment for land transportation, and by the use of sails and rudders which multiplied many times the efficiency of water carriage. When these two results were secured, man had added to his own bodily powers the superior strength of beasts of burden and the enormous energy derived from the winds of heaven. This was an immeasurable gain and marked the beginning of that wonderful civilization which slowly followed. The animal kingdom was brought into service for the varied functions of land distribution, and the ship which could be sailed and guided made every waterway subservient to man's requirements.

This hasty and imperfect outline brings us to a fact of history which seems to me not merely significant but profoundly impressive. With the subjection of animals and the use of wind-propelled vessels, both of which achievements reached a high degree of perfection in the unknown past, the means of transportation, broadly speaking, remained unchanged and unaugmented until a period not much prior to the present time. It is a long stretch of years from the savage cave-dweller to the twentieth-century man, and this wonderful world of ours had quite a career before the present generation was born. Long before other agencies of conveyance were dreamed of, while ox and horse, oar and sail, were the only

means of transport, the race had occupied most of the habitable globe and advanced to lofty heights of national greatness. Strong governments were established, vast populations engaged in varied pursuits, and opulent cities crowded with every luxury. The institutions of society had acquired strength and permanence, the arts of leisure and refinement had approached the limits of perfection, and inductive science had laid firm grasp on the secrets of nature. Great inventions and discoveries had widened the fields of activity, furnished the means and incentive for multiplied vocations and opened up in every direction alluring vistas of advancement. In a word, there was the developed and splendid civilization of little more than threescore years ago, before any new or different motive power was utilized for commercial intercourse.

And the weighty fact is that this immense and complex organism, with all its accumulations of wealth and wisdom, its diversified employments, its agriculture, manufactures, business affairs, financial systems, commercial and political relations, civil and social order—its very life and potency—was not only fitted to but dependent upon means of transportation which, as respects their expense, speed and capacity, had not essentially altered since the earliest tribes began to barter! Enormous growth of enterprise and enlightenment, amazing progress in every other sphere of human effort, with *motive power*, which lies at the foundation of every activity, remaining from first to last a constant quantity! Before the earliest recorded transaction—when Abraham purchased the field of Ephron and paid for it his “400 shekels of silver current with the merchant”—the horse and the ox were the established agencies of land distribution; and what better agencies, bear in mind, became available at any time thereafter until well along in the nineteenth century? Yet the ox was as strong and the horse as fleet, and their powers were as effectively employed, in the days of the Pharaohs as they are at the present time. Indeed, no history is so ancient as not to disclose the general use of animals for the purposes of carriage, while the vehicles to which they were harnessed had then been developed, in point of convenience and usefulness, to a degree not much exceeded in any subsequent period. Though differing considerably in appearance from the wagons with which we are familiar, yet they were constructed upon the same principles and performed the same functions as those now employed.

Similar progress was made in ship-building and seamanship as far back as history affords proof or tradition. There were oar and sail, tides and currents, and the inconstant winds, long before the ships of the Phœnicians brought back from the East the gold of Ophir; and what more was there than oar and sail, winds and currents—for all the purposes of navigation—until, almost within the memory of men yet living, the little steamboat of Robert Fulton ascended the Hudson River! In this long span of time, it is true, bridges were built, highways improved, vehicles finer fashioned, sailing craft increased in size, and the mariner's compass led to longer voyages; but, nevertheless, the forces by which movement is effected, the actual means of distribution on land and sea, continued without substantial change in character or efficiency age after age and century after century until the recent, the very recent, era of steam locomotion.

To my mind it is a matter of fascinating import that the long procession of the world's advancement down to the century just ended was conditioned by and dependent upon agencies of transportation which were themselves essentially unprogressive and incapable of important betterment. True, there were minor modifications from time to time in the line of mechanical adjustment, but the general methods employed, and the results obtained, showed no marked improvement or material alteration from those applied in the earliest days of commerce. Reduced to the forms in ordinary use there were at the last as at the first the beast of burden on land and the oar and sail on water. Yet thus hampered and restricted in the means of transportation, which is the basis of all commercial activity, there was built up in the long process of years the varied and advanced civilization which the last century inherited.

Then all at once, as it were, into and through this social and industrial structure, so highly organized, so complex in character, so vast in its ramifications, yet so adjusted and adapted to the fixed limitations of animal power, was thrust the new mode of conveyance by mechanical force, and the third stage of transportation was suddenly ushered in by the employment of steam as its principal motive power. The advent of this new and marvelous agency was the greatest and most transforming event in the history of mankind. It wrought an immediate and radical change in the elemental need of society, the means of distribution. The primary

function was altered both in essence and relations. The conditions of commercial intercourse were abruptly and completely altered, and a veritable new world of energy and opportunity invited the conquest of the race.

As time goes, this revolution has been phenomenally rapid. But yesterday, as it seems, and the first iron track had not been laid, and even the idea of steam as an available motive power had hardly been conceived; yet already, within the limits of an ordinary lifetime, long lines of railway—which sprung into being as if born of enchantment—have stretched out in every direction from one end of the land to the other. They have bridged the rivers, penetrated the wilderness, climbed over mountains and traversed the deserts with their highways of steel. There is scarce a hamlet so remote as not to hear the shrill whistle of the locomotive, and the clang of its warning bell is everywhere a familiar sound. In the passing of a generation the railroad and the steamship have transformed the whole realm of commerce, of industry and of social life. They have enriched every occupation, given multiplied value to every pursuit, added incalculably to the means of human enjoyment, and made our vast wealth possible; they are at once the greatest achievement and the greatest necessity of modern civilization.

It is little more than sixty years since the first steam road was constructed, yet at this time, within the limits of the United States alone, nearly 200,000 miles of railway are in active operation; and of this immense mileage—enough to put eight girdles around the globe—fifty per cent has been built in the last two decades and more than eighty per cent since the close of our civil war, only thirty-seven years ago. Elsewhere similar activity has prevailed during the same period, until animal power the world over has been almost wholly displaced for the purposes of transportation. Not only has the railroad become the chief agency by which inland commerce is carried on, but its influence upon all pursuits is so powerful, and its relation to every phase of activity so intimate and vital, that its effects upon social welfare and industrial progress present an inquiry of the gravest moment.

No other triumph over the forces of nature compares with this in its influence upon human environment. It has directly and powerfully affected the direction and volume of commercial currents, the location and movements of population, the occupations and pursuits in which the masses of men are engaged, the

division of labor, the conditions under which wealth is accumulated, the social and industrial habits of the world, all the surroundings and characteristics of the associated life of to-day. The world has seen no change so sudden and so amazing.

The next fact to be noted is hardly less remarkable. Not only are the new methods of transportation incomparably superior in speed, cheapness and capacity, but, unlike those which have been superseded, these new methods are themselves capable of indefinite increase and expansion. The maximum efficiency of an animal is so well known as to amount to a constant quantity, and this unit of power is practically unchangeable. Substantially the same thing is true of a vessel of given dimensions and given spread of canvas. For this reason distribution remained, as I have said, the one fixed and inflexible element to which other activities, however elastic and progressive, were necessarily adjusted and by which they were limited.

Now, a special and most suggestive feature of transportation by steam, electricity or other kinds of mechanical force is that its capacity is not only unmeasured and unknown, but will doubtless prove to be virtually inexhaustible. That is to say, no certain limits can be assigned to the operation or effect of these new agencies as compared with those which have been supplanted. Therefore, speed may reach many times the rate now attained, the size of vehicles may be greatly increased and the cost of carriage for the longest distances reduced to an astonishing minimum; so that, as progress goes on in developing the means and methods of distribution, the habits and needs of men will be more and more modified, with consequences to social order and the general conditions of life which may be far greater than have yet been imagined.

Among the results already realized, which directly forecast what will further happen, some of the more obvious may be briefly mentioned. For well understood reasons the speed and capacity of water craft are much superior to those of vehicles drawn by animals, while the cheapness of the former gives them a great advantage over the latter. While the old conditions prevailed, the waterways were mainly relied upon for the conveyance of bulky products. Commercial movements on land were, of course, considerable, but the transfer of heavy goods, such as enter most largely into ordinary consumption, was principally effected by sailing vessels. Therefore, the fertile lands along the river-banks

and the indented shores of the sea were the first to be occupied for agricultural pursuits, the exchange of produce for merchandise being accomplished by water carriage. The great cities founded prior to our time were for the most part located upon or near navigable streams while the masses of population outside the towns dwelt within easy reach of these natural channels.

But the building of railroads has often deflected and sometimes wholly altered the routes of distribution. In our own country, for example, notwithstanding it is penetrated by numerous rivers which flow, generally speaking, from north to south, the great volume of traffic is carried by railways running east and west across valleys and mountains. Even where the rail lines are parallel with river courses they absorb the greater share of freight and passenger movement. In short, the routes of land transportation in all the principal countries of the world have been largely recast in the last fifty years by the changes from river to rail conveyance.

The next most noticeable effect, as it seems to me, is the prodigious increase of commerce under the stimulus of modern agencies. It is estimated by Mulhall that as late as 1820 the carrying capacity of all the sailing vessels of the world—and there were then no others—did not much exceed 3,000,000 tons; yet this is less than one-sixteenth of the tonnage actually moved last year by the railroads of our New England states. This astonishing growth in the quantity of transported articles, and in so short a time, is sufficient to produce, as it certainly has produced, the most important and significant results; since the fact itself indicates a current volume of transport business compared with which the commerce of our grandfathers seems like the idle play of children. Because of this wonderful speed and cheapness of distribution, the average prices of food, fuel, clothing, building material and other necessary supplies have been greatly reduced, independent of the standard by which prices are measured. And this cheapening of most commodities has in turn brought a marked alteration, within a very brief period, in the style of living, dress, home-furnishings and the like, which makes the present conditions of life far more desirable and attractive than ever was known before.

The effect of this cheap conveyance is also seen in the commonness of pleasure travel, the extent of immigration, the spread

of population over new territories, and in all the employments and surroundings of the people everywhere. The railway is not only the chief means of developing uninhabited or thinly settled regions, but the same line may operate in both sparsely and thickly populated districts, since an indefinite number of trains can be moved on the same track. For instance, the 200,000 miles of railroads of the United States serve some 75,000,000 persons, distributed through an area, excluding Alaska, of more than 3,000,000 square miles; while in Great Britain about 22,000 miles of railway serve at least 45,000,000 persons, located within a mainland area of less than 117,000 square miles. Thus, in Great Britain as compared with the United States, one-ninth as much railway mileage reaches more than half as many persons, because of the density of a population confined within a territory not larger than one-twenty-fifth of the land surface of the United States.

Again, the railway at once causes the concentration of people in cities and at the same time is the prime factor in the creation of cities. It is impossible that such inland towns as Atlanta and Denver, for example, could have acquired their present importance without the facilities for carriage and intercourse which railroads provide. In 1870 nearly forty-seven per cent of all our people employed in gainful occupations were engaged in farming; while only twenty years later barely thirty-six per cent were following that pursuit. And what is still more suggestive, the recent census shows that more than one-third of our entire population live in towns of 5,000 inhabitants and upwards, as against less than seven per cent in 1830. That so great a change has taken place in so short a time in the geographic distribution of our people can only be explained by the potent force of steam transportation, while the fact itself has a social significance which can hardly be overstated.

In the region west of the Alleghanies the railroad has been the pioneer in opening up unoccupied lands for settlement, while the lines upon which railroads were there built and the points they reached determined the location and growth of numerous towns and cities in that great section of country. On the other hemisphere, as is well known, a wonderful railway is now pushing to completion across the vast stretches of Siberia, a territory larger than the United States and Europe combined, connecting the capital of Russia with the Pacific Ocean. The consummation of

that project cannot but have immense effect upon the commerce, industries, social welfare and military power of a large portion of the world's inhabitants.

In connection with this should be observed the rapid increase in stationary steam power which has been coincident with and primarily caused by steam locomotion. Taken together they make up the colossal forces now exerted in the fields of commerce and industry, in comparison with which all the power of all the beasts of burden is hardly worth the mention. And this in turn reminds us of the mutual action of production, shipping and land transportation in producing the stupendous results we everywhere observe. It is impossible that these gigantic agencies should come into such active operation without the most vital consequences to every phase of human life.

Take into account, also, the new and wonderful means of transmitting intelligence. The obstacles of time and distance, hitherto so formidable, are swept away by telegraph and telephone. We send our thought and speech with lightning swiftness to the four quarters of the globe, and hold all lands and peoples within the sphere of instant intercourse. So recent is this miracle that we are still dazzled by its marvels and fail to realize how powerfully it aids the unification of world-wide interests.

That this substitution of steam and electricity as the instruments of commerce has been an immeasurable gain is witnessed here and everywhere by half a century of unparalleled progress. Along these modern pathways the world has literally leaped. No longer tied to beasts of burden, the entire realm of industry has been quickened and enlarged; productive energy has been invigorated by new and limitless means of distribution; the products of the whole earth are embraced in wide circles of exchange; all the luxuries of all lands are brought to every household; wealth has multiplied until we are almost surfeited with its abundance; the genius of invention has been stimulated to larger exercise, the sphere of thought grandly extended, the impulses of charity awakened to nobler activity, while keener sympathy through closer contact is leading the race to real brotherhood.

But these manifold benefits have not been secured without many and serious dangers. The potent energy which produced such marvels of utility and convenience has generated an array of forces which test with severe strain the structure of organized

society. So radical a change in the methods of distribution, and consequently of production, was sure to be attended with peril as well as beneficence, and to entail a series of results, immense and far-reaching. Passing by the acute abuses which are incident to the process of development, for they are transitory and must gradually disappear, we may well consider the more profound and permanent effects, what I venture to call the economic effects, of present and future methods of transportation upon the whole range of industrial activity. This brings into view again the impressive fact I mentioned at the outset, and suggests some graver consequences than those that appear on the surface and appeal to ordinary observation.

When transportation was measured by the strength and endurance of animals, only a limited area could be reached from a given centre. Its slowness and expense confined all inland distribution within narrow bounds. Only eighty years ago it cost \$125 to move a ton of freight from Philadelphia to Pittsburg, and the average price for carrying the necessities of life was not less than twenty cents a ton for every mile of haul. On such a basis most commodities were shut off from distant markets, and farm products would seldom permit of conveyance more than 100 or 150 miles. Only such articles as were of small bulk and weight compared with their value were moved to any considerable distance from the place of production. For this reason the requirements of an ordinary family were almost wholly supplied from nearby sources. And this means—without amplifying the statement—that productive energy, for the most part, was restricted by the consuming capacity of the surrounding neighborhood. The forces outside each separate circle were but feebly felt and had little influence upon its daily affairs. Broadly speaking, the activities of each locality were adjusted to its own conditions and were practically undisturbed by like operations in other places. What we call competition was held in check by slow and costly means of conveyance; its effects were moderate and limited, its friction seldom severe.

But the use of steam for motive power and electricity for communication increased enormously the range of accessible markets, and at once intensified competition by the celerity and cheapness of distribution. Industrial strife has already become world-wide in extent, and distance an ineffectual barrier against its destructive

assaults. For the commercial factor of distance is not at all a matter of miles, it is merely a question of time and money. The fact that the cost of moving a hundred pounds of goods a single mile by wagon transports a ton of the same goods by rail more than three times further is some indication of the effect of cheap and rapid conveyance in bringing remote places closer together. Our grandparents got their supplies mainly in the localities where they resided and only a few persons were concerned in their production. To-day it may safely be said that five millions of people and five hundred millions of capital are directly or indirectly employed in furnishing an ordinary dinner. When merchandise of every description is carried at great speed from one end of the land to the other, and at an average cost of less than three-quarters of a cent a ton a mile, as is now the case, the expense of transport is but a trifling impediment to the widest distribution.

Nor should we forget that it was the opening up of new and ever enlarging markets, by the cheapness of steam transportation, which gave the first opportunity for the extensive use of machinery; and this in turn quadrupled the capacity of labor and greatly reduced the cost of large-scale production. By this revolution in the methods of manufacture—caused by the railroad and steamship—the mechanic was supplanted by the operative, and the skilled and independent craftsman of former days found his occupation gone. For what chance now have hand-made articles when the factory-made product is carried across the continent at nominal cost? But the factory without the railroad would be only a toy-shop. If its wares had to be hauled over country roads by mules and horses, the points they could reach would be few and nearby, and thus contracted sales would limit the size of the plant and the volume of its business. It is simply because transportation is now so speedy, so cheap and so abundant that great establishments have become profitable and driven their smaller rivals from the field.

These facts—which might be multiplied without limit—bear directly, as I think, and with a force not fully perceived, upon the whole problem of industrial competition. For, as the means by which industrial products are distributed become more convenient, quicker in action and less expensive, the area of distribution rapidly enlarges, and as the area of distribution enlarges the competition of industrial forces increases in something like geometrical

ratio. The movement of property by rail in the United States alone already exceeds three millions of tons every twenty-four hours. Think of the rivalry of products, the strife of labor, the strain and struggle of trade, which such a movement implies. With the constant acceleration of that movement, which is certain to happen, how long can the friction be endured? How soon will it become unbearable?

When Adam Smith wrote "The Wealth of Nations," it took two weeks to haul a wagon-load of goods from London to Edinburgh, and such a thing as a business or industrial corporation was virtually unknown. To-day the great enterprises of the world are in the hands of corporations, and the time is fast approaching when they will absorb all important undertakings. Why? Simply because the railroad and the steamship—cheap and rapid transportation, all the while growing cheaper and quicker—ever widening the area of profitable distribution, furnish the opportunity, otherwise lacking, for the employment of larger and still larger capital. This opportunity permits and encourages the concentration of financial resources; so that, within limits not yet ascertained, the larger the business the greater its possibilities of gain. But the legitimate, the inevitable offspring of corporations is monopoly. Why? Simply because the operation of these massive forces—impinging and grinding upon each other in every market—begets an extremity of mutual danger which always invites and often compels a common agreement as to prices and production; that is, a trust. Just as the implements of warfare may become so devastating in their effects that nations will be forced to live in amity, so the destructiveness and exhaustion of commercial strife in these larger spheres of action may make combination a necessity.

Thus the potent agencies by which distribution is more and more rapidly and cheaply effected, which so unite and intensify the forces of production, are fast altering the conditions and changing the character of industrial development. And the end is not yet; it outruns imagination. What will be the ultimate effect of these methods of conveyance when brought to higher perfection and employed with still greater efficiency? When these agencies of commerce are increased in number and capacity, as they will be; when cost is still further and greatly reduced, as it will be; when speed is doubled, as it will be, and quadrupled, as it may be; when the whole United States shall have reached the density of popu-

lation now existing in Great Britain, how can industrial competition possibly survive?

So, in the measureless and transforming effects of modern transportation, and the ends to which it resistlessly tends, I find the primary cause of the economic revolution upon which we have entered. The incoming of these new and unfettered forces not only changed the basic function of society, but disturbed its industrial order. In the effort to restore a working equilibrium the gravest difficulties are encountered, and we do not clearly see how they are to be overcome. Already we are compelled to doubt the infallibility of many inherited precepts and to reopen many controversies which our grandsires regarded as finally settled. The ponderous engine that moves twice-a-thousand tons across an empire of states, the ocean steamer that carries the population of a village on its decks and the products of a township in its hold, are indeed splendid evidences of constructive skill, but more than this they are economic problems as well which challenge and dismay the present generation. They force us to discredit the venerable maxim that "competition is the life of trade," and warn us, I think, that the political economy of the future must be built on a nobler hypothesis. If it be true in the long run, as I believe experience teaches, that where combination is possible competition is impossible, is it not equally true that combination becomes possible just in proportion as transportation becomes ampler, speedier and cheaper? So the opportunity, if not the necessity, for combination has already come in many lines of activity and will certainly come in many more. The circumstance that permits competition, its *sine qua non*, is mainly difference of conditions. Practically speaking, this difference is chiefly found in the means of distribution. As that difference disappears, with the constantly diminishing time and cost of transport, the ability to combine will enlarge and the inducement to do so become overwhelming. That seems to me the obvious tendency of our industrial and social forces to-day, and that tendency, I predict, will be more and more marked as time goes on.

In the unrest and discontent around us, deep-seated and alarming here and there, I read the desperate attempt to avoid the effects of industrial competition and a tremendous protest against its savage reprisals. Every trust and combination, whether organized by capitalists or by artisans, is a repudiation of its teachings and a denial of its pretensions. The competitive theory may

have answered the age of mules and sail-boats and spinning-wheels, but it fails to satisfy the interlacing needs or to sustain the interdependent activities which are founded on modern methods of intercourse and distribution; it is a theory unsuited to the era of railways and wireless telegraphy, this era of ours, so restless in thought, so resistless in action.

This, then, as I conceive, is the underlying question. Shall we continue to enforce with precept and penalty the rule of competition, whose cruel creed is "every man for himself," or shall the effort and industry of the world be hereafter conducted on a more humane and fraternal principle? That is to say, is society—stripped of its polish and altruistic pretences—is society after all only a mass of struggling brutes fighting for the best places and the biggest bones, and is government simply an armed referee standing by to see that every dog has fair play? In short, is personal selfishness the ultimate force and individual greed the bottom fact? For myself, I disbelieve the doctrine. I am not terrified by the cry of paternalism nor dismayed by unreasoning clamor at the dangers of monopoly. The trusts and the unions are here, in money, in labor, in production and in distribution—they came with the railroad and the steamship—and they have come to stay.

When population was scattered and sparse, when movement was difficult and costly, when communities were isolated by distance and by dissimilarity, and bonds of relationship were feeble and few, the attrition of rivalry was complacently endured. But now, when seas are spanned with steamships and netted with electric wires; when city and forest, farm and factory, mine and counting-room are joined together by innumerable pathways of steel, and the swift locomotive, rushing across continents—like the shuttle through the loom—weaves this majestic fabric of commerce which covers the globe; when life is no longer localized in effort or achievement, and the thought of one man is the instantaneous possession of all men, the friction of unbridled competition has become irksome and intolerable. It is folly to shut our eyes to unmistakable facts or to stand in the way of inevitable events. Doubters may deride, demagogues denounce, and ignorant lawmakers strive to build up legal barriers; but neither agitation, nor protestation, nor legislation can stop the growth or prevent the advance of industrial federation.

I much mistake, therefore, if we are not entering upon a period

of great transitions, a period of difficulty and many dangers. The whole structure of industry and social life is liable to be subjected to a strain—possibly to a shock—for which experience furnishes no guiding precedent. We have settled the administrative questions; we can collect taxes, build court-houses and pay the policeman. We have settled the political questions; for the nation lives and will live, the greatest and grandest in all the earth. But the further test is now to come, the test of the ocean liner and the limited express. Can we settle the economic questions? Can we raise this wide realm of industry from selfishness to charity, from strife to friendship, from competition to co-operation, from the warring instincts of the savage state to the larger and nobler needs of associated life? This is the problem which steam and electricity present for solution.

Will there be a fourth stage and another revolution in the methods of transportation? That is to ask, I suppose, will the puzzle of aerial navigation find a practical solution? Whether it does, or whenever it does, of this we may be certain, that the varied products of labor and skill, the endless commodities that supply our ever-growing wants, will always seek their passage from producer to consumer along the routes of least resistance. Therefore, it may happen, in some bright and wonderful to-morrow, nearer to us perhaps than we imagine, that the stubborn land over which our ponderous vehicles are now dragged will be abandoned, even the liquid waterways discarded, and the vast commerce of the future be borne swiftly and noiselessly through the yielding air. If that marvelous day shall come, assuredly will it bring its harder questions and press us with its weightier demands.

II. Industrial Conciliation and Arbitration

Industrial Conciliation and Arbitration

By Honorable Marcus A. Hanna, United States Senator from Ohio

INDUSTRIAL CONCILIATION AND ARBITRATION

By HONORABLE MARCUS A. HANNA

United States Senator from Ohio

When I received the kind invitation of this society to come to this meeting, I confess I did not know what I was coming to. I like to talk upon practical things, and there is no subject to-day that is nearer my heart than is this question of the relation between capital and labor.

The subject assigned to me was "Arbitration," which I consider only introductory in entering upon the discussion of a subject as broad as the one under consideration this evening. The matter of arbitration might be considered under two heads. Arbitration in business circles, by business men, whom we may call employers or capitalists, if you please, is one phase of it, but arbitration to settle differences between employers and employees is an advanced stage of it. It is a progressive form of arbitration.

To have success in conciliation, or arbitration, there must be thorough and effective organization on both sides. The large aggregations of capital, feared at first by labor, may prove to be labor's best friend, in that, control of a trade being thus centralized, there is opportunity to establish friendly relations which shall make uniform conditions throughout the country, or large sections thereof, and reduce the basis of competition to the quality of the product rather than to the concessions forced from labor.

The growth of sentiment for arbitration and conciliation has been reflected in the legislation of the various states. While foreign countries made the earlier attempts by legislation to promote the formation of local boards of arbitration, some of the states of the Union were first to establish permanent central bodies with authority to mediate in labor disputes and to arbitrate matters referred to them. Sixteen states have established such central boards, beginning with Massachusetts and New York in 1866 and following, in succeeding years, with California, Colorado, Idaho, Illinois, Louisiana, Montana, Minnesota, Ohio, Utah, Wisconsin, New Jersey, Michigan, Connecticut and Indiana. These

central boards usually consist of three members, an employer, an employee and a neutral.

Massachusetts, New York, Ohio, Indiana, Illinois and Wisconsin seem to be the only states within which tangible results have been accomplished, doubtless due to the highly developed industries prevailing and the frequency of labor disputes therein. In this as in all other matters of enforcement of public laws, successful results depend upon the strong impelling influence of an enlightened public sentiment.

The United States Government has established a method for arbitration and mediation in strikes and lockouts upon interstate transportation lines, by virtue of its constitutional authority over interstate commerce. The act of 1888 provided for a voluntary board, but had no provision for enforcement of awards, and seems to have fallen into disuse. In 1898 a new act was passed under the terms of which either party to a dispute upon any interstate transportation line might request the intervention of the chairman of the Interstate Commerce Commission, and the United States Commissioner of Labor. These officers have no specific authority to intervene on their own motion, but apparently have the right to attempt conciliation even in the absence of an application from either party. There has been no case of arbitration under the act, so its effect in application is yet to be demonstrated.

The compulsory law of New Zealand has found no favor in this country. The hearings before the recent Industrial Commission show that the representatives of both employers and workmen gave testimony against compulsory arbitration. The employers object because, they claim, it would be one-sided owing to the lack of responsibility on the part of the workingmen, while the workingmen object because, they claim, it would be manipulated to suit the employers, and, if enforcement carried imprisonment, it would provide for a species of slavery intolerable in a free country. Many state boards, however, while not advocating as a whole compulsory arbitration, urge further legislation which shall prevent public inconvenience and loss resulting from strikes and lockouts involving public service corporations and means of transit.

This condensed summary of the general features of the question brings us logically to a consideration of the method or methods best suited to our time and country. Since the great majority interested on both sides, employer and employed, reject any system

of arbitration which includes compulsion in its composition, experiments must be along the line of mutual concession and tactful persuasion. Such results may be hoped for, and, perhaps, confidently expected in the system of mediation and conciliation promulgated by the Industrial Department of the National Civic Federation.

That brings me up to date. I do not propose to treat this question from an academic standpoint, but to give an expression of my own experience, having been a large employer of labor for more than thirty years, and having studied that question from the standpoint of mutual interest. My attention was strongly directed to this subject as far back as 1874, at the end of one of the most severe and destructive strikes that ever occurred in Northern Ohio, in the coal mines, long and protracted, bitter and destructive. When it was over both sides had suffered, and it occurred to me that there ought to be some other way to settle these differences, and as a result of that we organized in Northern Ohio an organization of employers, the mine owners, and the men organized what was known then as the National Bituminous Coal Miners' Association, the first of that character ever organized in the United States. Their constitution and by-laws provided that no strikes should occur until every other effort in the right should fail, and the employers covenanted that they would give hearings and consideration to any committees sent to them by the union.

As a result, during the life of the organization on the part of the men, there never was a serious strike. All differences, which with small beginnings very often lead to disastrous strikes, were settled by the employer and employee coming together with a proper spirit, with a determination to do right. Upon that hypothesis I have been working ever since, and from that day to this I have never had a serious strike.

The Civic Federation is the outgrowth of the evolution to which your chairman has referred. This country has grown greatly. Our industries have multiplied, and the opportunities for labor equally with it. Great undertakings are claiming the attention of the people, and this question of labor and capital has approached a crisis. This Civic Federation has adopted a constitution and by-laws covering simply the methods of procedure, and has also adopted a principle, and that principle is the Golden Rule.

Now, Mr. Chairman, the great productive capacity of this country has forced upon us the aggregation of capital and the creation

of great material wealth seeking opportunity for investment. This rapidly increasing wealth must find investment, and to make the investment in industrials secure we must have industrial peace.

The Civic Federation is beginning to lay the foundation for such results, with the hope that it will appeal to the whole country and to all classes of the people. We are simply placing before the American people the opportunity to unite with us in the accomplishment of this purpose, as necessary to our social conditions as to our industrial conditions. Of course, it is not an easy task; the conditions in the United States differ from those in any other country in the world. This great cosmopolitan people, coming to our shores by thousands every year from every country and from every clime, this coming together of all classes and all kinds of people from the four quarters of the globe, produces a condition of things not found in any other country. It is not an easy matter to assimilate such a large number of foreign immigrants; they do not understand our language, they are not abreast with the education of a self-governing people; they do not understand our institutions. Therefore, it must necessarily be a work of education, and the Civic Federation is merely a nucleus to begin this educational work.

When I make the appeal to all persons and all classes in the United States to join with us, I believe that in their hands ultimately rests the future of that question. We may have arbitration and we may have meetings of our conciliatory committees, but unless we have the sympathy of the people, who in the end are the final arbiters on this question, we cannot hope to succeed.

The Civic Federation is only two years old, and the Industrial Bureau of the Civic Federation has been scarcely organized, but seven strikes have already been settled in three months. It has prevented the occurrence of two strikes which would have brought from the labor ranks more than two hundred and fifty thousand people, and that has been accomplished, my friends, by simply finding out to start with what the differences were, and who were right and who wrong. When men get together with the determination to treat each side of the question fairly, and when the public feels that the men connected with this enterprise are thoroughly acquainted with details, men of prominence in the country, well known and well understood, and are men giving their time for the love of the work and the good they may accomplish, the public realizes that it means something.

In adjusting the relations of labor and capital, appeal must be made to the sympathies of the people. Opportunities like this to-night must be embraced to inform intelligent audiences of the character of the work to be done and to give them an opportunity to contribute their mite and influence to help the cause along. I know no city in the United States where we can look for more aid and comfort than in this great industrial centre of Philadelphia. Indeed, it was because of this that I was induced to come here to-night and discuss this question of capital and labor before people who in every day of their lives can put into execution and effect the principles for which we are contending.

My experience has taught me, my friends, that the employer because of his position has the most to do, and it must be expected that the employers, at least in the beginning of this educational work, should go more than half way. They provide work, and are responsible for the conduct of business, and upon them rests the responsibility of seeing that the men receive their share of its benefits. We must rise to a higher level, where we can have a broader view of this question, where we can tear ourselves away from the prejudices which have heretofore stood between capital and labor.

I believe in organized labor, and I have for thirty years. I believe in it because it is a demonstrated fact that where the concerns and interests of labor are entrusted to able and honest leadership, it is much easier for those who represent the employers to come into close contact with the laborer, and, by dealing with fewer persons, to accomplish results quicker and better.

The trusts have come to stay. Organized labor and organized capital are but forward steps in the great industrial evolution that is taking place. We would just as soon think of going back to primitive methods of manufacturing as we would primitive methods of doing business, and it is our duty, those of us who represent the employers, from this time on to make up our minds that this question is one that must be heard.

You are well aware that there has been a tendency in this country, from the very nature of things, to what is called socialism. Everything that is American is primarily opposed to socialism. We talk about it and regret that these conditions exist, regret that there are extremists who are teaching the semi-ignorant classes labor theories, that proceed upon the principle that liberty is

license. This is a condition which must be met. It is the duty of every American citizen to assume his responsibilities in this educational work, and to assist any organization which can correct these theories and these ideas. There is no question concerning our body politic to-day that should command deeper or more serious thought. There is nothing in the organization of society in this country that can afford to permit the growth of socialistic ideas. They are un-American and unnatural to us as a people.

In the beginning of this work I received great encouragement from an address which Samuel Gompers made in Cooper Union Institute, in New York, about a year and a half ago, when he took the broad ground that in the interests of labor there was no room for the socialist or the anarchist, no room for men who undertook to disturb the principles of our society and government. When such words came from a man leading the largest labor organization in the world, a man of advanced thought and of honest intent, I knew that now is the time to strike, now is the time to proclaim to the American people that in the consideration of this question, which sooner or later must be forced upon us, we must consider what is for the best interests of society as well as for our material development.

If I can impress these principles upon the people of this country, either by word or action; if I can hold the attention of the American people away from all selfish and political interests long enough to have them study and investigate this great question, I shall feel that of all the efforts I have ever made to serve my country and society in any way, that has been the best.

The Limitations of Conciliation and Arbitration

By Samuel Gompers, President American Federation of Labor

THE LIMITATIONS OF CONCILIATION AND ARBITRATION

By SAMUEL GOMPERS

President American Federation of Labor

The subject under consideration involves the difference between the isolated bargain made by workmen acting as individuals and the joint or collective bargain made by an aggregation of workers. The individual bargain made by a workman with his employer is practically based upon the condition of the poorest situated among the applicants for the position, and the conditions of employment, accepted or imposed, are fixed by the immediate and dire necessities of the poorest conditioned worker who makes application for the job. The collective bargain is made upon the basis of about the average economic condition or situation of those who desire to fill the position.

The individual bargain is made at the entrance to the factory, the shop, the mill, or the mine; the collective bargain is made usually in the office of the employer.

When the period covered by the collective bargain has expired and the conditions under which labor has been carried on for a specific period become unsatisfactory to either or both, a conference is held and a new agreement endeavored to be reached under which industry and commerce may be continued. When there is failure to agree, a strike occurs.

The effort at best in the joint bargaining or in the strike is the effort to secure the best possible conditions for the wage earners. Much as we deplore strikes and endeavor to avoid them, they are the highest civilized expression of discontent of the workers in any part of the world. China has no strikes. The people of India have no strikes, but in the highest developed and most highly civilized countries strikes do occur. In China, when discontent

arises, we see it manifested in revolution against constituted authority, the venting of prejudice against the foreigner; the stiletto, the bludgeon, war brutality are the manifestations of the discontent of the poor and of the workers of those countries.

I am not here to defend strikes, nor to find an excuse for them, but that we may more clearly understand the subject to which we are giving attention, it may not be amiss to at least set ourselves right concerning strikes. Our forefathers, when establishing our government, wisely reserved to the popular branch of our federal government the right to control revenue and expenditure, a right which had been struggled for and secured by the House of Commons of Great Britain. The strike of labor is in another form the holding of the purse-strings of the nation, to protest against injustice and wrong being meted out to the laborers. It is the determination of the workers that in the last analysis, if there be no other means by which their rights may be accorded and their wrongs righted, they may say with Lincoln, "Thank God, we live in a country where the people may strike!" Nevertheless a strike ought to be avoided by every means within the power of every man, capitalist, laborer, or the neutral citizen, and he who would not give his best efforts and thought to prevent a strike is scarcely doing justice to his fellow-men, nor is he loyal to the institutions under which we live. But I re-assert that there are some things which are worse than strikes, and among them I include a degraded, a debased, or a demoralized manhood.

Labor insists upon and will never surrender the right to free locomotion, the right to move at will, the right to go from Philadelphia to Camden or California, or vice versa, at will. To achieve that right it has cost centuries of struggles and sacrifices and burdens. Laborers, moreover, will insist upon the right freely to change their employment, a right which they have secured through centuries of travail and sacrifices. That right three-fourths of the nation was up in arms a little more than forty years ago to achieve for the black man, and the white laborers of America will not surrender that prerogative. Laborers are aiming at freedom through organization and intelligence.

The Industrial Department of the National Civic Federation is erroneously thought by some to be an arbitration committee, whereas the first purpose is to endeavor to bring about a conference between employers and employees before any acute state

of feeling shall occur relative to their diverse interests. If a rupture occurs, the committee endeavors to bring about a conference so that arbitration may be resorted to if both parties to the controversy shall so request.

As a rule, men do not care to refer matters in which they are particularly and financially interested to what are usually termed disinterested parties. They prefer to meet with those whose interests may be opposite to theirs, and, each conceding something in a conciliatory spirit, endeavor to come to an adjustment and agreement.

Unorganized workmen have a notion that they are absolutely impotent, that the employers are omnipotent, almighty. This is typified in the thought or expression, "What can labor do against capital?" Likewise the employers of unorganized workmen usually regard themselves as "monarchs of all they survey," and brook no interference. If any workman has the temerity to question the justice or sense of fairness of the employer or the wages paid, he is dismissed and a strike frequently results.

No strikes are conducted more bitterly than strikes of previously unorganized workmen. As soon as such men become desperate enough to strike, they are transformed; they no longer believe the employer all-powerful, but attribute to themselves that function and faculty; the touching of shoulders brings a new-found power to their minds, of which they never dreamed before, and they look upon their employers against whom they went on strike as absolutely at their mercy.

The employers, in these cases, usually regard the matter of request to be heard upon the question of wages, hours or other conditions of employment, as dictation by their workmen; but whether the strike is won or lost, if the workmen but maintain their organization, the initial step has been taken for a joint bargain and a conciliatory policy in the future. Both parties have learned a severe but a profitable lesson, that neither party is impotent, and neither all-powerful. The organized labor movement in our day is an assertion of the principle that there is no hope that the workers can protect their interests or promote their welfare unless they organize; unless they advocate conciliation to adjust whatever controversies may arise between themselves and their employers and declare for arbitration with their employers upon any disputed points upon which they cannot agree. There are some who advo-

cate compulsory arbitration. I concur with Senator Hanna, who does not believe in compulsory arbitration. Indeed, voluntary arbitration cannot be successfully carried out unless both parties are equally strong and powerful or nearly so. This is true between nations as well as between individuals. Russia never arbitrated the question of the nationality of Poland. England did not arbitrate the question with Afghanistan, but simply bombarded her. England in her dispute with Venezuela proposed to bombard her, and only when the United States said, "Hold on, this is of very serious consequence to us," did England consent to arbitrate. There has never yet been in the history of the world successful arbitration between those who were powerful and those who were absolutely at their mercy. There has never yet been arbitration between the man who lay prone upon his back and the man who had a heel upon his throat and a sabre at his breast. Arbitration is possible, but only when capital and labor are well organized. Labor is beginning to organize, and when labor shall be better organized than it is to-day we shall have fewer disputes than we have now.

Of the agreements made between employers and employed, two-thirds, if not more, of the violations, of the failures to abide by the awards of arbitrators, are on the part of the employers. But if it were not so, if the awards were broken by either one or the other side or by both sides in equal proportion, it would be better, it would make for human progress and economic advantage, to have an award violated than to have the award forced by government upon either one side or the other. The employer if he chose could close his business, and that would mean his enforced idleness. On the other hand, if the state entered and forced workmen to accept an award and to work under conditions which were onerous to him or to them, you can imagine the result. Men work with a will when they work of their own volition, then they work to the greatest advantage of all. On the other hand, if men were compelled to work by order of the state, with the representatives of the state entering with whip in hand or a commitment to the jail, it would create a nation of sullen, unwilling and resentful workers; a condition that we do not wish to encourage; a condition which would be most hurtful to our industrial and commercial greatness and success. It is strange how some men desire law to govern all other men in all their actions and doings in life. The organized labor movement

endeavors to give opportunities to the workers so that their habits and customs shall change by reason of new and better conditions.

We have our combinations of capital, our organizations and federations of labor. These are now working on parallel lines and have evolved the National Civic Federation. Through the efforts of men noted for their ability, for their straightforwardness, noted for the interest they take in public affairs, an effort is being made to bring about the greatest possible success industrially and commercially for our country with the least possible friction.

One of the greatest causes of the disturbance of industry, the severance of friendly relations between employer and employees, is the fact that the employers assume to themselves the absolute right to dictate and direct the terms under which workers shall toil, the wages, hours and other conditions of employment, without permitting the voice of the workmen to be raised in their own behalf. The workers insist upon the right of being heard; not heard alone at mass-meeting, but heard by counsel, heard by their committees, heard through their business agent, or heard, if you please, through the much-abused walking delegate. They insist upon the right to be heard by counsel; the Constitution of our country declares that the people of our country may be heard through counsel. It is a saying in law, and I repeat it, though not a lawyer, that he who is his own lawyer has a fool for a client. The organized workmen have long realized this truism and have preferred to be heard by counsel, and we say that the political and civil right guaranteed to us by the constitutions of our country and our states ought to be extended; the principle of it ought to be extended to protect and advance our industrial rights.

One of the representatives of the Illinois Board of Arbitration recently said to me that there were so many cases of employers who refused to recognize the committees of the organizations of their employees that the Board was in doubt whether it ought to name each individual employer or simply group such employers together and give their number in round figures. No man in this world is absolutely right and no man absolutely wrong. If this be so, men ought, as organized labor has for half a century demanded, and as the National Civic Federation has emphasized, to meet in conference and be helpful in allowing common-sense and fair dealing and justice and equity and the needs of the people to determine what shall be the conditions under which industry and commerce

shall continue to advance until we shall be in truth producers for the whole world.

The movement for which we stand tends to foster education, not only among the workmen, but among the educated; for of all those possessing crass ignorance and prejudice regarding industrial matters, the educated man who takes his cue regarding the labor question from those who are always opposed to the labor movement and who never takes the trouble to find out the laborer's side of the labor question, is in the most deplorable condition.

**Results Accomplished by the Industrial Department,
National Civic Federation**

By Honorable Oscar S. Straus

RESULTS ACCOMPLISHED BY THE INDUSTRIAL DEPARTMENT, NATIONAL CIVIC FEDERATION

By HONORABLE OSCAR S. STRAUS

The contest between capital and labor is as old as the human race, and very likely will continue as long as there is employer and workman. Early in the history of our country, that rugged reformer, who stood for much of the liberty we enjoy to-day, Roger Williams, said: "What are all the wars and contentions about, except for larger bowls and dishes of porridge?" That is putting the question in a very graphic form. This struggle for the dishes of porridge is still going on, and unfortunately very often through clash and strikes the dish gets broken and neither side gets any of the porridge. We want to save the porridge; we want the dishes to be so large that labor will get its full share, we know that capital will take care of itself. In these industrial contests there are other interests at stake than labor and capital—the general public, greater in numbers than either of these. The Civic Federation believed that if it organized a machinery which contained within itself the representatives of both the laborers and the employers, and associated with these two the representatives of the general public, it would have the true basis for the solution of the labor question. You have heard from capital and labor. I am here as the representative of the general public.

The Industrial Department of the National Civic Federation is composed of twelve men representing the employers, twelve men representing labor, and twelve men representing the general public. At the head of these three groups of the Civic Federation stand Grover Cleveland, Senator Hanna, and Samuel Gompers. This is the only semi-public office ex-President Cleveland has accepted since he retired from the office of President of the United States. The purpose and the objects of the National Civic Federation appealed to his heart. His acceptance and co-operation have been to us a tower of strength and an inspiration for our difficult task.

The Civic Federation feels there is a possibility of inaugurating a great work, of promoting a better feeling and better relations

between the employers and the workmen, and thereby removing some of the chief obstacles militating against industrial peace. We have been criticised; peacemakers always are. I want to answer one or two criticisms that have been made in reference to our organization. One of the misconceptions is that the Civic Federation is a board of arbitration. Its purpose is to mediate, to conciliate, and only in very exceptional cases, when requested by both sides, to arbitrate between capital and labor. It has been said that the existence of such a body would stimulate laborers to threaten to strike or to strike or to make demands which otherwise they would not make, with the hope that the subject might be brought before this body, and that they might thereby gain concessions which otherwise they could not hope to secure. It might as well be said that preventives and curatives stimulate disease. It has also been stated that we promote the organization of labor, and that organized labor stimulates strikes. The Civic Federation's platform or statement of objects distinctly provided that its province would embrace *unorganized* as well as organized labor. The scope of the Federation is embodied in the By-Laws:

"The scope and province of this Department shall be to do what may seem best to promote industrial peace and prosperity; to be helpful in establishing rightful relations between employers and workers; by its good offices to endeavor to obviate and prevent strikes and lock-outs, to aid in renewing industrial relations where a rupture has occurred.

"That at all times representatives of employers and workers, organized or unorganized, should confer for the adjustment of differences or disputes before an acute stage is reached, and thus avoid or minimize the number of strikes or lock-outs.

"That mutual agreements as to conditions under which labor shall be performed should be encouraged, and that when agreements are made, the terms thereof should be faithfully adhered to, both in letter and spirit, by both parties.

"This Department, either as a whole or a sub-committee by it appointed, shall, when requested by both parties to a dispute, act as a forum to adjust and decide upon questions at issue between workers and their employers, provided, in its opinion, the subject is one of sufficient importance.

"This Department will not consider abstract industrial problems.

"This Department assumes no powers of arbitration unless such powers be conferred by both parties to a dispute."

The Civic Federation recognizes conditions and aims to improve them in the interest of the public welfare. Railroad accidents do not argue for the stage-coach, but that the railroad should be better constructed so that accidents may be more and more eliminated. Education upon this great question of labor and capital is not entirely confined to the labor side. We have found in our short experience that education is needed upon the other side as well, and if the Civic Federation succeeds in bringing out a more conciliatory spirit on both sides and thereby contributes to a better understanding of such principles as have been laid down to-night by Senator Hanna and Mr. Gompers, it will be doing a very great public service.

It will perhaps surprise some of you, I confess, that before I became more familiar with this subject, I was agreeably surprised, to hear, in the conferences recently held in the rooms of the National Civic Federation, one of the most important officers of organized labor, state, that he wished it to be understood, that organized labor does not approve of sympathetic strikes, and that organized labor has come to the conclusion that restrictions of output should not be permitted, as all such efforts were uneconomical.

The chances for industrial peace in this country are greater than they are in any other country. The fact that this conflict and antagonism have existed and now exist in the countries of Europe, is no reason why the same conditions should obtain in the United States, and the reason is very evident. In the first place, we are not divided in this country into permanently distinct classes. There is no fixed gap between the laboring and capitalistic classes. The most successful capitalists in this country to-day are men who have themselves risen from the ranks of labor, men who have been the architects of their own fortune. The large fortunes of to-day are to a great extent held by the men who achieved them, and for that reason there is a natural and closer contact between capitalists and laborers in this country than in any other. In America, as a rule, the great fortunes are not as yet in the hands of the second, third and fourth generations and are never likely to be to any considerable extent.

I will refer but briefly to the work the Industrial Department

of the National Civic Federation has performed since its organization in December last: The first contest that came up before it was the threatened clothing cutters' strike. This strike affected forty thousand hands in the clothing trade. It was announced in October before the organization of this committee, and was to go into effect on the first of January. On our committee we had the chief representatives both of the clothing cutters and of the manufacturers. A meeting was called of a section of the committee of the Civic Federation, and when the two chiefs of the rival interests came together, the trouble was satisfactorily adjusted in the course of ten minutes. The next matter that claimed our help was the Dayton Cash Register strike. It began nine months ago, or more, and consequently before our committee was formed. We were asked to mediate by the Cash Register people, and we are gratified to state that that great trouble after we had been called in was very speedily adjusted.

The third matter was the Union Iron Workers' strike in San Francisco. It began nine months ago, six months before our committee was organized. Our committee was called in and the adjustment was largely, if not entirely, due to our mediation.

A number of other questions have come before us; one was that of the paper manufacturers; a general strike had been decided upon and we brought the workmen and paper manufacturers together and they had a conference, and as a result postponed the question of their differences for further consideration.

Then there was the Boston Freight Handlers' trouble. The Civic Federation came into that upon the invitation of the Mayor of Boston and the Massachusetts Board of Arbitration; and without arrogating to ourselves too much credit, I think both of those bodies concede that we were of material help in adjusting those difficulties.

The anthracite coal controversy has been before us. You know that the springtime always produces a great many labor troubles. They are called the spring crop of strikes. I do not know whether we can uproot all the seed; in fact, I know we cannot. I think there has been rather less of it thus far this spring than usual. Still the entire spring has not gone by, and we cannot yet tell what may happen. At any rate, we have brought together the leading coal operators and the leading representatives of the coal miners; brought them face to face, and that is a thing that had

not been done before. They discussed their various grievances, and the whole matter has been adjourned for a month in order that each side may consider and deliberate.¹

There are other important matters before us. We are happy to say up to the present time, which we think is rather remarkable, we have as yet had no failure to report.² I am proud to say this because I am afraid in another year, should you have Senator Hanna and Mr. Gompers before you, they may not be able to bear witness to so good a report. I will say, however, that at the conference in December, where there were present the representatives of two million organized laborers and of the leading employers of the country, we were impressed with the desire of these men to endeavor to find a common ground upon which they might arrive at a better understanding. The representatives of labor in their treatment of the subject were highminded and liberal in their views; I think I am voicing the sentiments of everyone of my colleagues in the Civic Federation when I say that such men as Gompers, Mitchell, Sargent and Duncan have given every evidence of being conservative, patriotic and considerate of the public welfare.

In conclusion, permit me to say that the powers of the Civic Federation are entirely voluntary, and that its effective force is public opinion. We can advise, endeavor to conciliate, remove misunderstandings, and invite both sides of the controversy to come together and confer. We cannot compel, except by the force of reason and public opinion. We may invite to arbitration; we may upon request of both sides arbitrate. Arbitration is a powerful weapon, and experience has shown that the side in the wrong is the first to object, upon the ground, "There is nothing to arbitrate." That answer is itself a confession of wrong. It was Penn's famous maxim, "We must concede the liberties we demand." If both sides to this controversy will bear that maxim in mind, much trouble can be avoided. That maxim implies that organization on the one side justifies, if it does not compel, organization on the other side; and each side must concede the rights which it claims for itself, and any contest waged upon principles which conflict with such concessions the public will not justify.

¹ This statement was made April 5, 1902.

² A strike was declared in the anthracite mines in May, 1902, and had not been settled when this paper went to press.—EDITOR.

The refusal to recognize conditions does not change those conditions, and often embitters the relations that exist between the respective sides. The mission of the Civic Federation is one of peace, and like all peacemakers will doubtless, as time runs on, come in for abuse and misinterpretation of its purposes. We are prepared for this reward, and so long as we remain true to our mission, and that we will so remain our membership is a guarantee, no amount of abuse will cause us to flinch from the duty that is before us.

Co-operation of Labor and Capital

By W. H. Pfahler National Association of Iron Founders

CO-OPERATION OF LABOR AND CAPITAL

By W. H. PFAHLER

National Association of Iron Founders

There is no subject of greater general importance before the world to-day, none more simple in its character, and yet none so handicapped by fanaticism, as that of the relation of employer and employee.

Remove the curtain between the two real parties to the controversy, which is often held by men of selfish purpose on both sides, and you behold two simple factors, the wage-payer and the wage-earner, each dependent upon the other and both serving the same master, the great consuming public, of which they are also equal and very important parts.

The wage-payer, being directly in contact with the purchasing consumer, claims that he must have a result in production equal in every way to the wages paid, while the wage-earner contends that he must have a wage equivalent to his contribution in time, energy and skill, to the article produced.

Every visible article of use, for food, clothing or shelter, of necessity, luxury or culture, represents three component parts, and the production of each such article depends upon the proper combining of these parts, which are: 1st. Raw material. 2d. Capital. 3d. Labor.

Raw material, supplied by nature, is controlled only by the law of supply and demand, except when by legislation the natural law is for a time superseded, and it then becomes a matter of political action, in which the entire community, except the few who are directly interested in profit, join to abolish the corrupt legislation and restore the natural condition. Raw material is, therefore, the basis of cost in determining the price of every product to the public.

Labor, whether skilled or unskilled, engaged in the reduction of the raw material to the finished product, is also dependent upon the law of supply and demand to fix its value or wage; and any effort to change this value brings the wage-earner in direct conflict with the consumer, through his representative, the employer, whose duty it is to know, and who usually does know, what proportion of the entire cost of any article can be distributed in wage so as to

retain the value of the article at a price not in excess of the ability of the consumer to purchase, and yet within limits which will prevent a more favored nation or district from furnishing the same article in competition, and thereby cause idleness for the wage-earner and loss to the employer.

Capital represents plant, machinery, transportation, interest, and all the factors known as unproductive, and yet absolutely essential for the combination of material and labor. Capital is usually, though not always, the owner of material and the direct employer of labor, and therefore must stand for the silent partner in the combination. What is so frequently called a war between capital and labor is simply an effort on the part of the wage-earner and wage-payer to determine what part of the product of labor, as distinct from material, is represented in the price to the public, and after deducting the proper charge for plant, etc., how the balance, which is profit, shall be divided between the employer and the employee,—or wage-payer and wage-earner.

The growth of prosperity in this country has always been in ratio to increased production, and until a recent period such increased production has been the direct result of the co-operation of the wage-earner and the wage-payer. In the beginning of our commercial history it was only necessary for one man to exchange the product of his own industry for that of other men to obtain the necessities of life, and then the results of labor were not measured by a unit of value or wage, but by the amount of energy expended in production.

When the rapid growth of the country required greater productiveness, and the enlargement of territory made necessary a change in the distribution of the products of labor, the factory system was introduced, whereby capital, or unproductive labor, was joined with productive labor to accomplish greater results than had heretofore been attained by individual labor.

This brought with it the employment of a number of wage-earners under the direction of one or more employers, or wage-payers, and made it necessary to determine the relation of one to the other, or rather the share each should have in the division of profits.

All conflicts which have ever arisen between men upon any subject, whether social, political or religious, have been based, not upon difference in conditions really existing, but upon difference

of opinion as to the relation which existed between the parties to the conflict; and strife, to a greater or less extent, has been brought into use to determine such position.

An excess of power on one side or the other succeeded in establishing for a time the opinion of the victor, but never removed the cause of dispute; and so the organization of wage-earners into associations or unions enabled them to establish from time to time, by power which they never hesitated to exercise, such wages and conditions as in their opinion were fair to them, but not always in accord with the condition of supply and demand.

From their struggle arose the continual change of wages in ratio to the power of either party, the employer lowering wages when by reason of limited demand he could limit production, and the employee raising wages when his services were in sufficient demand to enable him to do so.

The union was able in many cases,—I may say in all cases,—to enforce its demands because of the combined power it could exercise against the individual employer, and, as is usual in such cases, soon began to exercise a power which was unnatural and unwarranted. The result of this was the necessity of forming an organized opposition to their force by creating an opposing force in the organization of the employer class, and this brings me to the history of two organizations of this character with which I have been closely identified during the past fifteen years, and which have been successful in establishing a new basis of relation between the employer and employee.

Fifteen years ago the industry in which I am engaged was in perpetual conflict, involving three or four strikes or lock-outs every year, causing great loss in time and money to employer and employee. Unable longer to endure the strain, an association was formed of about fifty of the leading firms engaged in the business, for the sole purpose of defending the members against the unjust demands of their employees. It was decided to create a large fund for the purpose of carrying on a warfare against the union to which our men belonged. Within a year from the organization a strike occurred which resulted in every member of the Defence Association closing his shop, and the consequent defeat of the union. A second strike occurred in which, after many weeks of severe struggle, the union was again defeated by the united action of the Defence Association. In the third year of its existence, the Defence Asso-

ciation was invited by the officers of the union to appoint a committee to meet a similar committee from their organization for the purpose of discussing some plan by which strikes and lock-outs could be avoided. Frequent meetings were held; many attempts at forming a plan were abandoned, until finally it was agreed that all questions of difference between any employer, member of our association, and his employee, member of the union, should be referred to a committee of three from each association for arbitration and that, pending such action, no strike or lock-out should occur. As a result of this agreement, during the past ten years no strike has occurred in this industry, and every point of difference has been amicably adjusted by conference. Each year a general conference is held, at which the wages are fixed for the ensuing year, and such other changes as may be of mutual advantage are adopted.

It is true that at first the members of local unions, led by some wild agitator, would make a demand upon their employer, and, failing to enforce the demand, would quit work; but the national officers of the union would require them to return to work at once and await the usual and proper means of adjustment.

The Arbitration Board is composed of an even number of men because then an agreement when reached becomes unanimous, and a failure to agree (although no such failure has ever occurred) will not result in the enforcing of the opinion of either side by the decision of a third party. We prefer rather to adjourn from time to time, under the agreement to have no strike or lock-out, and let time and reason aid in finding some common ground upon which we can agree. These agreements made from time to time have been signed for the members of the union by their officers, and it gives me the highest pleasure, as a tribute to human nature, and in reply to those who deny the responsibility on the part of workingmen to a contract, to say that in the history of our organization no agreement has ever been violated in any manner.

The success of this organization led to the formation of a larger and more powerful one, known as the National Founders' Association, of which I had the honor to be the first president. It required a long time to convince many of the larger employers of men that the formation of such an association was not dangerous, because in the negotiations it would be a virtual recognition of the union; but we at last succeeded in organizing with about fifty members.

Within six months the president of the union in which most of our men are employed addressed a letter to our body requesting a conference to devise a plan for conducting negotiations on lines similar to those of the Stove Defence Association. This conference resulted in what has ever since been known as the New York Agreement, which is as follows:

Whereas, The past experience of the members of the National Founders' Association and the Iron Molders' Union of North America justifies them in the opinion that any arrangement entered into that will conduce to greater harmony of their relations as employers and employees will be to their mutual advantage; therefore,

Resolved, That this Committee of Conference indorse the principle of arbitration in the settlement of trade disputes, and recommend the same for adoption by the members of the National Founders' Association and the Iron Molders' Union of North America on the following lines:

That, in the event of a dispute arising between members of the respective organizations, a reasonable effort shall be made by the parties directly at interest to effect a satisfactory adjustment of the difficulty, failing to do which either party shall have the right to ask its reference to a Committee of Arbitration, which shall consist of the presidents of the National Founders' Association and the Iron Molders' Union of North America or their representatives, and two other representatives from each association appointed by the respective presidents.

The finding of this Committee of Arbitration, by a majority vote, shall be considered final so far as the future action of the respective organizations is concerned.

Pending adjudication by this Committee of Arbitration there shall be no cessation of work at the instance of either party to the dispute.

The Committee of Arbitration shall meet within two weeks after reference of the dispute to them.

This agreement to go into effect Monday, March 4, 1901.

Occurring at a time when we were passing from extreme depression to a revival of business activity, when there was an enormous demand for good workmen, when wages were moving upward and when strikes were of almost daily occurrence in every industry, this agreement was observed in letter and in spirit, and, as a result, both employer and employee enjoyed industrial peace and prosperity.

Because of a failure to agree on certain demands made by the union, which would have resulted in reduction of production, a strike was commenced in the city of Cleveland by the union about two years ago, which lasted over seven months and cost upwards of

a million dollars, but at the end resulted in a conference lasting some days, in which both parties to the conference agreed to prevent a recurrence of warfare and united in an agreement which marked greater progress in the labor situation than had ever been reached before.

The resolution was as follows:

Whereas, The N. F. A. and the I. M. U. of N. A., through their duly accredited representatives, at a joint conference held in Detroit, Mich., June, 1900, each formulated a declaration of principles to which they still adhere and which they have been unable to harmonize after careful consideration; and

Whereas, The consensus of enlightened opinion points to conciliatory methods and the principles of arbitration as the most desirable and equitable policy to be pursued when disputes arise between any employer and his employees; and as this is a policy to which both the N. F. A. and the I. M. U. of N. A. most heartily subscribe, they entered into an agreement, the one with the other, since known as the New York Agreement, by virtue of which their representatives have been enabled to meet and harmoniously discuss important matters affecting their mutual interests, and to endeavor to settle them in accord with the more enlightened and equitable policy referred to; and,

Whereas, These efforts have discovered the fact that wide differences of opinion, upon certain vital and essential principles, exist between the members of the N. F. A. and the I. M. U. of N. A., which their representatives have hitherto failed to harmonize by the method provided in the New York Agreement, thus seriously endangering the high purposes to which they stand committed, and in one instance leading to a serious conflict between the members of the two associations in an important section of the joint jurisdiction; be it therefore

Resolved, That it is the earnest opinion of this Joint Conference Committee, composed of representatives of the N. F. A. and the I. M. U. of N. A., that agreement upon the essential points of difference can only be secured by the slow evolutionary processes begotten of friendly intercourse and the more intelligent understanding of mutual interests, which time and the influences of education alone can bring. And be it further

Resolved, That we hereby reaffirm our adherence to the New York Agreement, whose beneficent provisions we will continue to invoke, until by joint agreement we are enabled to reach a more defined code of conciliation and arbitration.

The National Founders' Association now numbers nearly 500 members, having a combined capital of over \$400,000,000, and employing nearly 30,000 molders and more than 100,000 working-men in other departments, and is daily adding to the number

because the manufacturer has seen that it is the best—in fact, the only—method of dealing with organized labor.

On the other hand, the labor organization, recognizing the strength and fair dealing of the employers' association, is from time to time so modifying its plans and methods as to make it possible to work in harmony with the employer, and together secure results for both that have heretofore been impossible.

This brief history enables me to declare not only as a conviction, but as an axiom, that there is a common ground upon which the wage-payer and the wage-earner can safely unite to form a community of interest in the great industrial problem, and that negotiation for the adjustment of their several interests can be conducted without strife, to the mutual advantage of both.

The history of all associations of manufacturers formed for the purpose of establishing and maintaining just and fair business relations between their employees and themselves, proves beyond doubt that better results can be obtained in this way than in any other.

Following the conference resolution adopted at Cleveland, the first agreement entered into as a result of the conference involves so many points of imaginary difference between employer and employee, and shows the possibility of arranging even the smallest difference by conference, that it is worthy of careful study by both the employer and employee.

This agreement was made in the city of Philadelphia, March 4, 1901, is still in force, and I believe has never been violated by either party to the contract.

Agreement between the National Founders' Association (on behalf of its Philadelphia members), and the Iron Molders' Union of North America (on behalf of its Philadelphia members):

Article 1. In view of the fact that there has been an agreement entered into at the recent conference in Cleveland, Ohio, between representatives of both associations, on the question of equitable wage rates for molders, and in view of the mutual understanding that there is to be a further conference on the subject within a reasonable time—as may be agreed upon by the presidents of the respective associations—for the purpose of further perfecting the details regarding the regulation of wages of molders;

It is agreed that the temporary agreement, entered into July 16, 1900, shall be null and void, and that the agreement herein contained shall supersede the above-mentioned temporary agreement.

Art. 2. The iron molders, members of the Philadelphia Union of the Iron Molders' Union of North America, agree to withdraw their demands that the foundrymen of Philadelphia should operate their foundries under the rules and regulations of the union.

Art. 3. In accordance with the national agreement, entered into at the recent conference in Cleveland, on the regulation of molders' wages, the foundrymen of Philadelphia who are members of the National Founders' Association, and the molders of Philadelphia who are members of the Iron Molders' Union of North America, agree to the following wage scale:

The standard minimum wage rate for bench and floor molders who have learned the general trade of molding shall be twenty-seven and one-half ($27\frac{1}{2}$) cents per hour, or sixteen dollars and fifty cents (\$16.50) per week of sixty hours, it being understood that when a molder has completed his work before regular shop-closing time such time shall not be deducted in computing the week of sixty (60) hours.

Art. 4. The standard minimum wage rate shall be subject to the following DIFFERENTIALS:

1. The young man who has completed his apprenticeship, and who, by reason of his mechanical inferiority or lack of experience, or both, in either branch of the trade of molding, shall be unfitted to receive the full wage rate provided for above, shall be free to make such arrangements as to wage with his employer for a period mutually satisfactory as may be agreeable to himself and employer.

2. The molder who, by reason of his physical incapacity or physical infirmity, cannot earn the standard minimum wage rate, is to be free to make such arrangements as to wages as may be mutually satisfactory to the employer and himself.

3. There being in some foundries a grade of work calling for less skill than is required by the ordinary molder, this grade of work being limited in quantity, it is agreed that nothing in this agreement shall be construed as prohibiting the foundrymen from employing a molder to make such work and paying for same at a rate that may be mutually agreed upon between the molder and the foundryman. It is understood that a molder who is working for and receiving a rate of wages of twenty-seven and one-half ($27\frac{1}{2}$) cents per hour or over, is not to be asked or expected to make the grade of work referred to above for any less wage rate than he is regularly entitled to under this agreement. This does not give the molder the right to refuse to make the work if it is offered to him at his regular wage rate.

Art. 5. It is agreed that nothing in the foregoing shall be construed as prohibiting piece or premium work, and when it is desired on the part of the foundryman that his work shall be done under the piece work or premium system, it is agreed that the wages of the molder shall be based so that he may earn a wage not less than if working by the day. This is understood as applying to molders who are competent to do an equal amount of work and of equal quality to the average molder in the foundry in which he is employed.

Where the foundryman and molder cannot agree on the piece price for a certain piece of work, the foundryman is to have the work done by the day

for a period of a day or more, according to the nature of the work, in order to establish a fair and equitable wage rate on the work in question.

It is further agreed that nothing in this agreement shall be construed as preventing a molder from agreeing with his employer on a piece price as soon as he is given a pattern.

Art. 6. Time and half-time shall be paid for all overtime, excepting in cases of accident or causes beyond control consuming not more than thirty (30) minutes; and double time for Sundays and legal holidays—to wit: Fourth of July, Labor Day, Thanksgiving Day and Christmas. It being further understood that when foundries do not make a practice of running beyond bell or whistle time and are occasionally late, the "give and take" system shall apply in all such cases, it being further understood that both sides should show a spirit of fairness in adjusting matters of this kind.

Art. 7. Arbitrary limitations of output on the part of molders, or arbitrary demands for an excessive amount of output by the molders on the part of the foundryman, being contrary to the spirit of equity which should govern the relationship of employer and employee, all attempts in that direction by either party, the molder or foundryman, are to be viewed with disfavor and will not receive the support of either of the respective associations parties to this agreement.

It being further agreed that the wage rates specified herein are to be paid for a fair and honest day's work on the part of the molder, and that in case of a molder feeling that a wrong has been done him by his employer and that his treatment has been at variance with the terms of this agreement, he shall first endeavor to have the same corrected by a personal interview with his employer, and, failing in this, then he shall report same to the proper channel of his local union for its investigation. If there is any objectionable action on the part of the molder which is in conflict with this agreement or the spirit thereof, then the employer is to endeavor to point out to the molder where he is wrong, and, failing in this, he may discharge the man for breach of discipline, or else retain him in his service and submit the case to the National Founders' Association for investigation.

In order that there may be no misunderstanding as to the wages a molder is to receive under the above agreement, it is understood that a molder must agree with the employer on the rate of wages that he is to receive at the time he is engaged; it being further agreed that neither the molder nor the foundryman is to deviate from the terms of this agreement as to wages or deportment.

Art. 8. In conformity with the agreement adopted at the recent conference in the city of Cleveland, the National Founders' Association and the Iron Molders' Union of North America deprecate strikes and lock-outs, and desire to discourage such drastic measures among the members of their respective associations.

It is therefore agreed that all unfair or unjust shop practices on the part of molders or foundrymen are to be viewed with disfavor by the Iron Molders' Union of North America and the National Founders' Association, and any attempt on the part of either party to this agreement to force any unfair or unjust practice upon the other is to be the subject of rigid investi-

gation by the officers of the respective associations; and if upon careful investigation such charges are sustained against the party complained of, then said party is to be subject to discipline—according to the by-laws of the respective associations.

And it is further agreed that all disputes which cannot be settled amicably between the employer and molder shall be submitted to arbitration under the "New York Agreement."

Art. 9. When the words "employer" or "foundryman" are used, it is understood that their foremen or representatives may carry out the provisions of this agreement and act for them.

Art. 10. It is further agreed that nothing in the foregoing shall be construed as applying to operators of molding machines who have not learned the general trade of molding, and the right of a foundryman to introduce or operate molding machines in his factory shall not be questioned.

Art. 11. This agreement shall continue in force to July 16, 1901, and thereafter to June 3, 1902, and to continue from year to year, from June 3, 1902, unless notice be given on May 1 of any year by either party to this agreement signifying their desire to change or modify the conditions of this agreement.

And it is further agreed that should any agreement be reached by a conference of representatives of the National Founders' Association and the Iron Molders' Union of North America upon the question of wage rates for molders, and in conflict with the terms of this agreement, that a conference of the parties hereto shall be called immediately to conform the terms of this agreement to those of the national agreement; otherwise this agreement is to continue in force as above provided.

In England, several years ago, the great strike of engineers involving 75,000 men, and extending over a period of six months, was finally settled by conference between the representatives of the associated employers and representatives of the several unions, and resulted in an agreement which established harmonious relations between both parties, and has ever since prevented strikes or lock-outs.

In Belgium, in 1899, a lock-out, probably the greatest which has ever occurred, involving almost every industry, shutting out more than 50,000 men, and extending over a period of seven months, was only settled after the employers discovered to their own great advantage that matters can be arranged more satisfactorily when the representatives of organized capital confer with the representatives of organized labor. The result of their conference was the removal of all obnoxious demands and the adjustment of wages and conditions of labor upon an equitable basis, embodied in an agreement now in force and held equally binding on employer and

employee, the result of which was, in England as in the examples cited in this country, the elimination of strikes and lockouts.

A review in detail of the results accomplished by the methods of conference and conciliation, in these cases referred to, would require more space than can be used in this paper—but warrant the following conclusions:

First.—That labor organizations are the natural result of a great movement in the business world which is replacing costly competition with profitable co-operation, and are formed primarily for the protection of their members, upon the theory that collective bargaining for the sale of their labor is more profitable than individual contract.

Second.—The accomplishment of their object requires labor organizations to secure the membership of the largest number of persons employed in any kindred trade, and (because voluntary advancement of wages rarely or never occurs) to demand a change in wages and betterment in conditions whenever it appears that the need for their labor is in excess of the supply, and therefore warrants such demand. Labor organizations are necessary also to resist collectively any movement on the part of the employer which would result in injury to the workingman.

Third.—Whenever labor organizations by reason of false leaders have made unfair demands or established conditions which were unfair to the employer, it has been because of the use of collective force against the individual employer, and this has been defeated whenever the employers have organized similar associations for their own defence.

Fourth.—That strikes for advance in wages and improvement of condition—occurring, as they do, during a period of prosperity—usually succeed, while strikes for recognition of the union, usurpation of the rights of the employer or against the reduction of wages almost invariably fail in their purpose.

Assuming that the employer is governed by honesty of purpose in dealing with labor, and that the employee is equally honest in his desire to give worth for wages, the organization of both parties must slowly but surely remove force as the means of securing results, and cause a resort to reason and conciliation as the best means to accomplish the greatest value for both.

There are two great obstacles which prevent the substitution of these means of settling the labor question at present, and which must be first removed before better conditions can be realized.

On the part of the employer there is the refusal (usually sentimental) to recognize the union, and the determination to destroy it. He forgets that his effort to destroy the union presupposes his recognition of it, else he would be fighting a nightmare, while the recognition in fact would enable him to learn its scope, purposes, and plans, and by co-operation secure a valuable ally instead of an unreasonable enemy.

In the use of the word union, I desire always to be understood to refer to such organizations of workingmen as are conducted along reasonable lines and are led by representatives worthy of the best element composing the membership, who formulate their demands in harmony with known business conditions and control their movements within the lines of law and order, because when they assume any other condition they are simply mobs, and deserve only the condemnation of every worthy citizen.

The obstacle on the part of labor is the effort to establish the idea that recognition of the union implies more than the agreement to make collective bargains between employer and employee at such times as a change in business conditions demands or permits, or to insist that it conveys the right to enforce rules and methods in the conduct of the business without the consent or co-operation of the employer.

To remove these obstacles and establish a condition of harmony and mutual prosperity, the employer must not forget that wage-earners have formed powerful associations for the purpose of advancing and protecting their interests, and have delegated their individual power to, and placed their confidence in, the officers of their unions.

That these officers are in many cases far above the average of their craftsmen, and their highest ambition is to better the condition of their fellow-workmen.

That the aggressive methods of labor unions are very frequently caused by the determination of the employer to destroy them, without giving them a chance to be heard in their own defence.

That in the conduct of business involving large investment for plant, and the employment of a large number of men, able management is required to secure the best results from machinery and power, but good government is necessary to secure the highest efficiency of men, and the best government is that which is founded on the consent of the governed.

That responsibility for the performance of such an agreement as should exist between employer and employee cannot be measured by legal or financial standard, but can be safely based on individual integrity, and in this I have found that a very large majority of the workingmen in this country hold an agreement which is made for them by the officers of their union as binding them in every sense of the word.

That the organization of associations of employers in kindred branches of industry tends to uniformity in method of regulating the employment of men, and at the same time affords protection against the demands which may be unfair or the strife which may be instigated by unwise leaders of organized labor.

The employee must not forget:

That the right to be a union man implies also the right to be a non-union man. ✓

That no honest employer can discriminate between the men in his employ, or recognize the right of any body of men to determine whom he shall employ.

That the effort to establish a minimum rate of wage, if based upon the lowest standard of efficiency, destroys the earning power of the more competent workman and lowers the standard of all.

That the effort to limit production is false in principle, and can only succeed, if at all, when the demand is in excess of the supply, and when it succeeds, it causes the creation of methods and machines which supplant the skill of the mechanic and bring into competition a lower grade of labor at a lower wage.

That the effort to create a monopoly by attempting to retard the privilege of the American boy to acquire a trade is destructive to the best interests of a progressive nation.

That the laws, rules and methods of labor unions must be changed to conform with present conditions, if the union hopes to be recognized as a factor in the adjustment of the labor problem.

That the right to strike, or refuse to work, under certain conditions, does not involve the right to prevent others from working, if the conditions are satisfactory to them, and involves responsibility for all the damage that may arise. ✓

That the standard of wage cannot be measured by the standard of time employed, or energy expended, but by the results attained.

These, and many other differences which might be enumerated,

are the causes which make for strife and dissent, and prevent the harmony which should exist for the mutual benefit of both classes. These differences can only be removed or harmonized by honest and intelligent conferences between the employer and employee, and to bring about such conferences is the purpose and aim of the National Civic Federation. The success of the effort promises, for the employer, the markets of the world; for the employee, continued and increasing profits; for the country, industrial peace and better citizens.

**Harmonizing Labor and Capital by Means of
Industrial Partnership .**

By Alexander Purves, Treasurer, Hampton Institute, Virginia

HARMONIZING LABOR AND CAPITAL BY MEANS OF INDUSTRIAL PARTNERSHIP

By ALEXANDER PURVES

Treasurer, Hampton Institute, Virginia

In this age of business supremacy, when trade has become the leading science and merchandising an art; when sentiment is being pushed aside by the forward rush of commercialism, and expediency seems to be successfully competing with morality; when one is almost persuaded that the Church itself, to survive, must be conducted with business sagacity, one is compelled to acknowledge the futility of urging any plan for the reformation of the existing relations between capital and labor with serious hopes for its present consideration and possible adoption, except the same shall be able to prove its principles to be in accord with good business policy.

There are those who believe the danger to vested interests is increasing proportionately with the ever growing average of intelligence on the part of the wage-earners and that the former will eventually be overwhelmed by the latter to the demoralization of both unless capital anticipates and averts the danger by securing and maintaining a hearty co-operation of the working classes through a substantial acknowledgment of the just claims of enlightened labor to an enlarged share in the product of the two.

It seems reasonable to assume that with the advance of civilization and general intelligence, some means must be found for the treatment of the whole matter of the return for services rendered, that shall be more progressive and more humane in character than the present basis of supply and demand. As Prof. Gilman says—"We must acknowledge that the wages system, viewed in its simplest form of time wages, does not supply the necessary motives for the workman to do his best." To which we may add, that neither does it appeal to his sense of right nor to his theory of justice.

The first advance towards a change must be made by the masters, and any movement for a revision of the existing system must take form in an apparent concession on the part of vested

interests. The apparent indifference and complacency with which the dominant class regards the whole matter is most regrettable. The leaders in reform should adopt some plan whose successful operation would commend itself—from a business point of view—to the many masters. That is to say, whatever is done in that direction, let it be done primarily because it is *just* and right. Then if it can be shown to be profitable to capital, so much the better. Such a demonstration would be invaluable, not so much by reason of the resulting increase in the incomes of the leaders in the movement, as that such a fact would make probable the extension of the system into other enterprises where such an incentive would have the stronger influence.

The successes, moderate though they have been, which have generally attended the introduction and operation of profit-sharing plans in various forms, should encourage further developments and extensions of that system in the broadest manner possible, without, however, introducing or permitting any features that would embarrass the administration or weaken the personnel. As the successful manufacturers of the present generation are largely those who have found ways to utilize the by-products and the power which had theretofore gone to waste, so the successful masters of the future must be those who shall find some means of harmonizing the demands of capital and labor, thus saving and utilizing that large percentage of human energy which is now worse than wasted in the continual contention, passive or active, between the working classes and vested interests. Apart from every other element of advantage, can there be any question as to the increased *physical* capacity and staying powers of a man when led on in hopeful expectancy rather than when driven on by physical necessity?

It is justly claimed that in many instances the wage-earners would not be benefited by a distribution in cash of a percentage of the profits, that they would fritter it away either foolishly or with lack of discretion. There is nothing to which the average family can adjust itself so easily and with such alacrity as to an increase in income. Could we but save the wastes of carelessness, the losses from strikes and lock-outs, and to these add the enlarged profits resulting from a broader co-operation and greater physical ability to produce, then capitalize and conserve all of these for the benefit of those who in each case have contributed their proportion

—either in capital, brains or labor—to the enlarged success of the enterprise, we would have placed within reach better homes, better clothing, better food, better schools, and have taken a step forward which should inspire individuals of both classes with higher ambitions for a larger and better life.

"Prosperity sharing," strictly speaking, does not go far enough, because it limits the amount awarded to labor to a small percentage of the real profits. The share must be small because "adversity sharing" does not accompany profit-sharing. In all fairness the share of labor in the margins of the business should be of such proportions that justice to all would make it alike a sharer in losses as well as in gains. By this we do not mean to say, when losses occur, that labor should contribute actual money to make good any portion of the impairment. Such a proposition would be impracticable and impossible. The share of labor in the surplus profits—that is, after the payment of standard wages and a just return to capital for its simple use—should be upon a most liberal basis, and any and all impairments suffered in years of adversity should be made good out of subsequent surplus earnings (in which, except for such impairment, labor would have been a sharer) before wages shall again be entitled to any further dividends.

Amongst the various schemes that have been put into operation in those concerns which have endeavored to make their employees sharers in the profits of the business, the most familiar plan is that of offering to wages a dividend on the total amount thereof, at the same rate of percentage as is paid on the par value of the capital stock. This proposition is unfair, since in most industries the capital stock amounts to several times the total of the annual pay-roll. After the first adjustment upon that basis, the incentive to labor to strive for larger results is almost insignificant, since the share of wages in the subsequent increased earnings would, where the capital is equal to say four times the annual pay-roll, amount to only one-fifth of the increase in net earnings, the other four-fifths thereof going to capital.

Other institutions have established a custom of presenting to their employees annually a sum of money equal to a certain percentage of their salaries. But this extra income soon becomes as much a matter of wages as the weekly or monthly pay-roll, and little real good is accomplished—the employee is still working for *fixed* wages. There is something in the make-up of a man that cannot

unfair plan

be wholly satisfied, no matter how secure it may be, with a definite agreement that he shall receive a certain fixed sum of money for a given amount of work, however liberal the compensation may be. There is a positive satisfaction in having a pecuniary interest in an enterprise where the financial return is not definitely restricted and known in advance, even though there may be as an accompaniment some danger of a loss.

Any attempt to satisfy the craving of labor for justice will fail if handicapped by paternalism. A man must be acknowledged a man. His sense of independence and self-respect must be strengthened and not crushed.

Furthermore, a man is not satisfied to have even a part of his just earnings expended for him. Company kindergartens, company libraries, company churches are doubtless very estimable in their way and are doing much good. They are a step in the right direction and most valuable in the practical demonstration which they offer that it pays capital to improve the conditions and surroundings in which the operatives live. But those who are to enjoy these institutions should not be allowed to feel that they are under any obligations to the owners thereof. Rather they should be given to understand that a certain definite percentage of the net earnings of the enterprise would be expended for the public good—not as a benefaction, but as a just due—giving to the operatives, as far as possible, the administration and management of such company institutions.

Some manufacturers believe that if their employees can be induced to purchase homes adjacent to the mills the labor problem has been solved. From the manufacturer's point of view the plan is attractive. An employee who puts the hard-earned savings of years into a small dwelling—generally situated in a community wholly dependent upon the local mill of his employer—doubtless ties himself up very effectually to the enterprise, but whether he is attached by his loyalty to and affection for the concern, or is held by the self-welded fetters of a money investment is an open question.

The actual value of an investment in any business is based primarily upon the security—the consideration of the rate of interest being secondary to the safety of the investment. This is recognized by the great exchanges where all manner of stocks and bonds are bought and sold. These compel the frequent

publication of the earnings and general business of those corporations that desire to have listed any of their issues of securities. No one can say with truth that public knowledge of the affairs of any such corporation has imperiled the proper operation and legitimate success of the enterprise. On the contrary, experience has proven the wisdom of such a course from every standpoint—the public is better protected in its investments of capital and such corporations are given a standing in the financial world not accorded to those who keep their affairs secret and guarded from the public view. We are compelled to infer that the negative action on the part of these latter concerns is prompted by one of two reasons: either they are striving to secure a higher credit rating than that to which their actual condition would entitle them, or, more probably, that they fear their percentage of net profits is larger than public sentiment would regard with favor. It would seem in either case that the interested public is morally entitled to frequent and intelligible information regarding all corporations which owe their very existence to the public consent.

What is true of corporations is true of individual partnerships as well. To let the interested public have knowledge of the true state of affairs would doubtless be very distasteful to all classes of masters. And yet it is not difficult to imagine that conditions still less agreeable may confront the masters if the demands for justice to wage-earners are ignored. Would not the publication of figures covering the assets, liabilities and earnings (or losses) place all business upon a firmer foundation and exert a helpful influence on the adjustment of profits between capital, brains, skill and labor? Is the withholding of truth an established virtue and the publication of truth a dangerous experiment? And finally if the introduction of profit-sharing into a business necessitates the publication of the earnings of the business, would it not be fair to ask the few masters to make that concession to the interests of the many workers?

Business organizations are composed of two classes—those who own and control and those who operate and produce; or rather those who contribute their money and those who contribute their lives. We are not aware of any moral law that denies that the man who makes his contribution of flesh and blood in work—be it in stoking a fire, running an engine, operating a type-writer, selling goods or driving a truck—is justly entitled to as full a knowledge

of the pecuniary result of his labor as the man who merely loans capital to the operation.

The following principles may be set down as sufficiently well established to be used as a basis for working out plans for the reform of prevailing relations of labor and capital:

(a) That whenever there is sufficient confidence on the part of the employees a direct or an indirect dividend to labor is a good investment for capital.

(b) That with an actual dividend-earning interest in the business every participant would be prompted to individual efforts: 1st. Towards accomplishing more work in a given length of time. 2d. In the saving of waste. 3d. In seeking and suggesting improvements in the manufacture and in the conduct of the business looking to the advancement of the general welfare. 4th. In that it would naturally become the self-imposed duty of every employee to challenge a co-worker for laziness or upon the commission or omission of any act through which a loss to the business would be the likely result; and, therefore,

(c) That capital in business is best secured when every employee is pecuniarily benefited through the enlarged success of the enterprise.

It is a false theory that capital shall not accumulate, or that the return upon it shall be restricted within definite limits. There must be allowed to capital the opportunity for enlarging returns in the development of new enterprises—a chance to earn more by risking more. Otherwise there will be no incentive for its broader operations and its usefulness will be restricted. That capital is accumulated in the hands of the comparatively few is not, generally speaking, an accident, but rather that fact is a strong indication that those who control it are the men best qualified to hold it intact and make it most productive.

Besides the elements of capital and labor, the matter of brains or business sagacity must be recognized as an indispensable factor in business and must be reckoned with. The peculiar ability that a certain small percentage of men possess to conduct modern business ventures at a profit is of great value, is always in urgent demand and must be well paid for. Like everything else it will naturally seek for itself the best market and will generally go to the highest bidder. There can be little doubt that the neglect to

recognize and properly care for this element as essential to success has been largely the direct cause of the many failures of purely co-operative ventures. Brains must be paid for. Sagacity must have its reward.

Amongst the many obstacles which confront any effort to arrive at some fair basis for the introduction of profit-sharing institutions, probably the most prominent is the difficulty of establishing a satisfactory system for calculating and treating the profits and losses of the business so as to avoid the element of suspicion on the part of the employees as to the fairness of the bookkeeping employed in arriving at the basis for the division to them provided for in the agreement. Many honest efforts of employers to introduce plans for a distribution amongst the employees of a percentage of the net profits of the business have been defeated solely by reason of the inability of the management to overcome the distrust on the part of the wage-earners in the bookkeeping, it being a simple enough matter so to treat the accounts of profits, losses, depreciation of plant and receivables, that the percentage actually due the employees under the agreement may be cut down or entirely obliterated at will. The plan of having a direct representative of the employees (of the watch-dog order) in the management is neither desirable nor logical. There may be individual and isolated cases of perfect faith and trust on the part of labor towards capital, but as a business proposition in the present stage of our moral development there must be something more tangible than the mere verbal assurances of the owners, endorsed by an accounting under their direction.

It is with the aim of presenting a plan for meeting in a measure this difficulty, and at the same time outlining a scheme which should operate to the mutual advantage of both capital and labor without compromising the security of vested interests, but rather strengthening it, that the suggestions herein contained are submitted—the basic principle being that the encouragement of righteous ambition with a well-grounded hope for future prosperity must surely develop the best there is in the wage-earner with benefit both to himself and to capital as the inevitable result.

In considering the proportion of the net profits which should be paid out in cash dividends to capital for its use, it may (at least for the sake of presenting this argument) be counted fair to assume that in the average legitimate enterprise the withdrawal of say

60 per centum of the actual net earnings would be the *limit* of safe business policy and that the remainder of such earnings should be kept in the business for the purpose of extending the enterprise and the more securely protecting the investment.

As an outline for a plan for the proposed adjustment in a concern already established, the proposition is that a binding agreement shall be entered into, which shall provide for the payment of the regular standard of cash wages to all employees of the concern, including the officials and management—and shall likewise name a definite amount which shall be determined to be a just and fair annual return to capital for its simple use; not, however, exceeding say 60 per cent of the average established net earnings; that the agreed amount shall be paid annually (in quarterly or half-yearly instalments) as a dividend upon the common stock of the corporation *cumulatively*; that it shall be especially understood that the company by a two-thirds vote of its common stockholders may issue for needed additional capital preferred stock; that the prior right to subscribe to such preferred stock shall be pro-rated one-half of the issue to the holders of common stock, and the other one-half to the holders of the debenture books (hereinafter particularly set forth) in proportion to the par value of the respective holdings; that wages shall be a first claim upon the assets, and that the dividends to capital stock shall have the first claim upon the net earnings, and that they shall be cumulative at a rate fixed by agreement; that after the payment of such dividends as a *first charge* upon the net profits of the business, 20 per cent of the net profits then remaining shall be set aside in a contingent fund (to be hereafter specifically referred to) and that the balance of the annual net profits still remaining shall be held in the business—but, one-half thereof for the benefit of the stockholders and the other one-half for the employees (under certain restrictions and agreements to be explained presently).

It will be readily seen that the above treatment of the annual net profits would continue the accumulation in the business of the surplus earnings in excess of the regular cash dividends, and so increase, as now, the security of the original investment and (as hereinafter shown) in no way diminish or endanger the present power of the stockholders to control the management of the concern.

To accomplish this, it is proposed that after the regular cash dividends have been paid to capital and the said percentage set

aside for the contingent fund, annual stock dividends shall be declared covering the amount of the surplus earnings which are to be held in the business; that the certificates issued therefor shall be in the nature of *deferred stock debentures* which shall have no voting power and shall be subordinate in every respect to the common (and preferred) stock of the concern, both as to dividends and principal, so that said deferred stock debentures shall not be entitled to any dividend or interest whatsoever except when earned during the then current year, and not until after the dividends upon any preferred stock shall have been paid or set aside, nor until the said agreed sum (equal to 60 per centum of the established average net earnings) shall have been paid out, or set aside for the dividends upon the common stock and said contribution made to the contingent fund; that the said deferred stock debentures shall receive dividends at a rate not exceeding 6 per cent per annum when earned in the then current year, and in no sense shall said dividends be cumulative; that in the event of liquidation or dissolution, the common (and preferred) stock shall be paid in full before any payment shall be made upon the said deferred stock debentures, but said deferred stock debentures shall then receive all of the assets remaining after the payment in full of the preferred and common stock and of all outstanding indebtedness; and that the said deferred stock debentures shall always be subordinate to the general creditors of the company.¹

These deferred stock debentures shall all be issued to a trustee—one-half thereof to be held in trust for the benefit of the common stockholders, and the other one-half shall be considered as *extra wages* and shall be held by said trustee for the benefit of the employees. Cash dividends on all deferred stock debentures, when declared, shall be paid to said trustee, who shall disburse the same—one-half thereof to the holders of the common stock pro rata, and the other one-half to the employees in proportion to the respective amounts standing to their credit on their debenture books (hereinafter described).

That is to say, for illustration, that if the capital of the concern is \$1,000,000 and the net earnings for the past several years have

¹ We have assurances from eminent corporation attorneys that the proposed issue of deferred stock with the suggested limitations thereon is entirely legal and feasible, and that it can be done without danger of having the concern forced into a court of equity by the holders of such certificates.

averaged \$200,000 per annum,—60 per cent of such earnings, or \$120,000, would be the amount agreed upon as the annual cash dividend to capital represented by the common stock,—that 20 per cent of the balance of such earnings, or say \$16,000, would be the amount to be paid into the contingent fund, and that at the end of the first year of the operation of the plan the balance, or sum of say \$64,000, would be held in the business, but that deferred stock debentures to cover said amount would be issued to the trustee—\$32,000 to be held for the use of the stockholders, and \$32,000 as extra wages to be held for the employees. At the end of the second year after the payment of the dividends to common stock and the percentage to contingent fund, a dividend would then be declared upon \$64,000 of deferred stock debentures, and for the balance of the net profits still remaining another issue of deferred stock debentures would be made to said trustee; and so on from year to year.

The effect of the above arrangement being that after the payment of all cash dividends to common (and preferred) stock, and the setting aside of the said percentage to the contingent fund, the surplus earnings then remaining—representing the surplus assets of the company—would be capitalized in the form of deferred stock debentures and held in trust for the joint interests of the original owners (or their assigns) and the employees—it being especially provided that should the company at any time or times prefer to pay the amount of surplus earnings in cash directly to the stockholders and the holders of the debenture books instead of issuing the deferred stock debentures therefor, it shall have the right and option of so doing.

Each year the amount of the deferred stock debentures to be issued to the trustee *as wages* shall be calculated as above outlined, and the percentage thereof in which each individual employee is interested shall be determined by the proportion that his wages for the year shall bear to the whole salary list for that period. This amount then shall be set down in his debenture book, and upon this sum he will be entitled to receive through the trustee (when earned) dividends not exceeding 6 per cent per annum, non-cumulatively and subject to certain limitations set forth in and made a part of his debenture book as hereinafter particularly set forth. The fees of the trustee for the above and all other services to be charged to the general expense account of the concern. The said trustee

shall be entitled to full statements of the condition of the company at any time, and at all times shall have access to the general books of the concern.

A debenture book shall be issued to each employee, and shall contain a full statement of the conditions upon which the same is issued, and shall be signed by each of the respective holders thereof in evidence of his understanding thereof and agreement thereto. Each debenture book shall be numbered, and the age, nationality, sex, etc., of the employee shall be stated therein. It shall provide among other things:

(a) That no employee shall be entitled to participate in these extra wages until he shall have been for one year in the continuous employ of the company.

(b) That the debenture book may be redeemed by the company at its option, at any time upon the payment of the total principal sum or sums therein set forth.

(c) That nothing therein contained shall in any way limit the power of the management in the control of the business, and that their authority to employ and discharge any employee shall not be limited in any way whatsoever, but shall be left entirely to the discretion of the board of directors and that under no circumstances shall the issuance of said debenture book entitle the holder thereof to any voice in the management of the business.

(d) That in case of losses in the business in any year or years, the impairment thereby caused shall be made up either (first) out of subsequent profits, or (second) out of the contingent fund, or both, and all accumulated dividends upon the common and preferred stock shall have been paid in full before the holder of the debenture book shall be entitled to any dividends.

(e) That the individual named in the debenture book shall, after all impairments have been made good and all dividends on the common and preferred stock due and in default, as above set forth, have been paid, be entitled to receive, through the said trustee, dividends, when earned, at a rate not exceeding 6 per cent upon the total of the amounts therein set forth, but in no sense shall the dividends upon the debenture book be cumulative.

(f) That said debenture book shall not be redeemable during the life of the employee named except at the option of the company.

(g) That in case of the death of the holder thereof, the same shall form a part of his estate and shall be convertible into cash

at its par value within thirty days, upon application to the company, and the same shall be paid for out of and held by the contingent fund when the balance in said fund will so permit, otherwise to be paid for out of the general funds of the company and held in the treasury.

(h) That said debenture book shall not be transferable without the consent of the company.

(i) That it shall be especially understood and agreed that all calculations of profits and losses of the business shall be left entirely to the discretion and best judgment of the board of directors, and that their decision upon these and all matters touching the question of depreciation of plant, amounts charged to profit and loss, valuations and inventories, and all other matters affecting the business and policy of the company, shall be final, and from whose decision there shall be no right of appeal.

(j) That the "net earnings" of the concern shall comprise the amount of the profits of the business after deducting all losses and charging off an agreed percentage in the valuation of the plant account for depreciation and any other items of doubtful value, at the discretion of the board.

(k) That in case the holder thereof shall make or attempt to make any assignment of all or any part of his interest as set forth in said debenture book, the same shall, at the option of the company, be immediately forfeited as liquidated damages for violation of this contract, and shall revert to and be held as a part of the said contingent fund.

(l) That these debenture books may be attached by the company for any indebtedness due to it, in any department, by the holder thereof.

(m) That the company reserves the right to issue for capital account preferred stock with cumulative dividends, which new issues shall in every particular outrank all issues of deferred stock debentures; it being provided, however (as above set forth), that the holders of these debenture books shall have the prior right to subscribe, pro rata, to fifty (50) per cent of any and all of said new issues of stock.

The amount to be set aside to the contingent fund shall be paid in cash, and may be invested in legal and marketable securities. This fund shall be held in the first place to make good to the company any excessive business losses that cannot be met out of

the current profits of the concern. It will also purchase at par the debenture books of deceased employees; and any accumulation of income therein shall be used as a basis for sick benefits, etc., upon such a uniform plan as the amounts thereof will warrant, the disposition of the available income for that purpose to be placed as largely as practicable in the hands of the employees.

The proposition is that the above treatment of profits shall be continued annually from year to year, so that at the end of the second year of its operation—after the payment of the regular cash dividends upon the common (and preferred) stock out of that year's net profits and the payment into the contingent fund—the dividend on the deferred stock debentures shall be declared and paid upon the amount thereof held by said trustee; and for the remainder of the surplus earnings for the second year another issue of deferred stock debentures shall be made to said trustee, one-half for the use of the common stockholders and the other half as extra wages to be held for the use of the employees, and that the amount thereof to which each employee is entitled to credit shall again be determined as above set forth, and shall be entered in the respective debenture books and added to the amounts of the previous similar credit, and so on from year to year, it being provided as above set forth, that in case the company could not make advantageous use of this increase of capital it shall have the option of disbursing the amount in cash direct to the employee and stockholders.

Could the masters manipulate the bookkeeping so as to fleece the employees of the percentage of profits to which they were actually entitled? The writer believes that this could not be, and for the following reasons:

(a) It will be seen that under the plan as suggested, whatever action the management might take regarding the valuation of the assets and calculation of the annual profits, its decision would bear equally upon the interests of the stockholders and of the employees.

(b) If the management is overly conservative and the actual surplus assets are thereby cut down, the stock dividend to the trustee, representing both the employees and the stockholders, would be *for that year* unduly diminished; but such action could make little or no difference in the final result, as the actual surplus assets would still be intact, and if not shown in one year would surely appear in another. So that beyond a delay in the division

thereof those in control of the bookkeeping would be powerless to discriminate against the employees, and as already shown an unfair settlement would bear equally upon capital and labor. Then, too:

(c) There could be little or no object in such an attempt, as it is not intended that the surplus, whatever the amount may be, shall be withdrawn from the business and distributed, but that the whole of the same shall be retained in the business (so long as it can be used advantageously), and under the plan as outlined all of these surplus earnings shall be capitalized and subordinated to the original investment and thus acting practically as a guarantee fund to protect and secure the same; and, again,

(d) It is a part of the plan that all employees, from the lowest form of unskilled labor to the highest salaried official, shall be sharers in the dividend to wages. Under such an arrangement it would be practically impossible for the owners to equivocate or to treat the question unfairly.

It will be generally conceded that the universal publication of the assets and liabilities of all business enterprises would greatly simplify and proportionately stimulate trade. With the added security against losses that such a system would assure, a liberal extension of credits would be the natural and a safe outcome. It is more difficult, however, to meet the question as to what effect the publication of the earnings, debts and resources would have upon the credit and general business of a *single* concern when in direct competition with others in the same class which continued to hold to the system of secrecy. It is clearly impossible to make a conclusive statement concerning this question. Whether the publication of accounts by one concern would work to the advantage or disadvantage of its secretive competitors seems wholly problematical. So far as we can see, however, indications point with some confidence to the ultimate success of that concern which does not conceal that of which their creditors of a right should be informed.

Regarding the probable effect upon the general business of the concern, it seems reasonable to claim that the liberal and just treatment of the employees will surely appeal to the public at large and that the advantage gained through the profitable influence that such action will have upon the concern's constituency, especially among the buying public, would largely overbalance any

possible disadvantage that could come as a result of the exposition of figures regarding the condition of its affairs.

As to the effect on credit when the published earnings show a decrease in profits it is still difficult to do more than surmise, though if the liabilities of the enterprise are made up more and more each year in a growing percentage of subordinated income-debentures we believe the publication of decreased profits would not operate towards the impairment of its credit, and certainly not until the losses became so extensive as to imperil the solvency of the concern—in which latter case it seems clear to us that little can be justly said in support of the custom of concealment.

Would the plan of letting the employees generally become part owners of the concern place them in a position to give trouble to the management of the enterprise, and would they not soon demand, as stockholders, the right to a voice in the direction of its affairs and in the shaping of its policy? On the contrary, it is urged:

(a) That with the proper and timely guarding of the interests of the original investment through sufficient, clear and undeniable limitations upon the rights and powers carried with the issues of deferred stock, such issues could not be used to the detriment of vested interests, but rather:

(b) That such a pecuniary interest in the enlarged success of the business would act as a guarantee of loyalty to the management and as an incentive to the employees to further the legitimate business of the concern, and:

(c) That the employees with a money investment in the enterprise, if for no higher reason than the instinct of self-preservation, would realize the value and necessity for harmonious and sympathetic co-operation between the capital, brains and energy of the concern.

Would capital be benefited by the operation? We claim without reservation that it would—and for the following reasons:

(a) That the net profits of the business would be largely increased through the reduction of friction; the larger incentive of labor; the increase in the physical capacity of the workers to produce; the saving of useless waste; and through the absence of strikes and lock-outs; as in all of such increase in net profits the capital would be an equal sharer with its employees.

(b) That the true loyalty and support of all employees would

greatly strengthen the security of the capital in the business and proportionately add to the real value of the investment.

(c) That where adverse legislation may be easy of accomplishment when it attacks the interests of one man or a small body of men, it would be quite a different matter where the interests of all employees are involved.

(d) That the surplus profits would not be paid out and distributed, but would be held in the business, subordinated to the claims of the original investment, and so very materially adding to the security thereof.

(e) That with a property interest in the business the tendency of the operatives to shift from one concern to another without real purpose would be reduced to the minimum, and that the consequent advantage to the management would result in a distinct gain in the stability of the business.

Would such a plan when perfected succeed? If it would increase the productivity of the workers, if it would tend to elevate character, to develop a greater loyalty to the concern and help to change an operative from an automaton into a man, if it would strengthen the security of vested interests and narrow the gulf between wealth and work, and finally, if it would be in the direction of righteousness and justice, it must finally succeed. It cannot be expected that at first the introduction of such a scheme would be received by the operatives with enthusiasm. It would only be through the medium of their more intelligent leaders that they could be assured of its benefits, and only after several years of successful operation could we expect it to receive the unqualified support of the workers. When, however, their capitalized extra wages show an accumulation and they begin to receive annual cash dividends upon the surplus earnings of previous years, we may be reasonably assured of a decided change of sentiment in its favor.

In the meanwhile the masters would do well in avoiding undue antagonism to labor organizations *per se*, so far as the large body of wage-earners is concerned, the benefits of profit-sharing are still to them unproven, while the trade union has in many ways demonstrated its usefulness in protecting the interests of its members. Whether it does more really to help the best interests of the worker than to hinder, may be an open question. However this may be, certain it is that the institution is strongly established in the mind of the workman as his strongest friend, his one means of expression

and his only hope of material salvation. In its reverses as well as in its successes his heart will remain loyal to his union, until he shall have been furnished a substitute which has proven to him its larger usefulness.

In view of the increasing tendency to incorporate business, this paper has treated the question as it relates to organized capital. It is nevertheless clearly true that the same general situation obtains in the strictly partnership concerns and that the principles herein suggested could be the more readily applied in such cases, especially as the power to act is concentrated in the hands of a few individuals who have no one else to consult.

In such a case it is suggested, in place of the issue of the deferred stock debentures, that the surplus net earnings—after the payment of the agreed interest to capital, and the assignment in cash of the percentage to contingent fund—shall be credited to a "mutual reserve fund" which fund shall take the place of the proposed trustee in a stock company, and shall be entitled to receive dividends (or interest) upon the same terms and subject to the same limitations provided for the deferred stock debentures, and that said fund shall be held for the joint and equal benefit of capital and employees—the respective interests of the employees to be entered in a pass-book similar in terms to the debenture books herein particularly described.

The plan briefly outlined is offered as a suggestion. Doubtless every point made can be improved by modification or substitution. If it influences in a small degree more earnest thought on the part of those in whom the power is vested, towards the formation of a comprehensive plan looking to a more reasonable division of the product of all and a fuller acknowledgment of the humanity of man, its purpose will have been accomplished.

III. The Housing Problem

Tenement House Regulation—The Reasons for It—Its Proper Limitations

**By Honorable Robert W. De Forest, Tenement House Commis-
sioner of the City of New York**

TENEMENT HOUSE REGULATION—THE REASONS FOR IT—ITS PROPER LIMITATIONS

By ROBERT W. DE FOREST

Tenement House Commissioner of the City of New York

When Theodore Roosevelt, then Governor of the State of New York, attended the opening of the Tenement House Exhibition of the Charity Organization Society of New York, and looked over the models of tenements, old and new, and the charts which showed the close connection between the housing of the vast majority of that city's population, and health, pauperism and crime, he said to the few of us who had organized this exhibition—"Tell us at Albany what to do, and we will do it." The result was the New York State Tenement House Commission of 1900, the enactment last year of the most advanced code of tenement house laws as yet put in force in any American city, and the creation for the first time in this country of a department directly charged with the oversight of the construction and proper maintenance of tenement houses.

The tenement house problem we had to meet in New York was the most serious of any city in the civilized world, for in New York, according to the last census, out of 3,437,202 inhabitants, 2,273,079, or more than two-thirds, lived in tenement houses, and there were 82,652 of these tenements in the city.

The interest in this particular phase of the housing question is not confined to New York. No one who has followed, even carelessly, public opinion on this subject can fail to realize the hold it has upon the public conscience. It may be that some tremble at the effect upon their own fortunes of a possible social revolution, and seek to protect themselves, for their own sake, by trying to make what they call the lower classes more comfortable in their homes. But the large body of men and women in this country who are giving to this subject attention, are doing so from love of their fellow-men, and an earnest desire to give them in their homes some of the healthful surroundings and comforts they enjoy in their own.

There are few large cities in America in which there is not some tenement regulation, and some agitation for its extension. At the moment there is an active movement in Boston for the appointment of a commission to frame a new code of tenement house laws for that city. There is a similar movement in Chicago and in Cincinnati. Nor is this activity confined to the larger cities. Kansas City in the West, Hartford in the East, Yonkers, Syracuse and Rochester in New York, are already moving in the same direction, and the subject is receiving close attention in Washington, Cleveland and Pittsburg.

The New York law of last winter was a state law applicable to all cities of the first class. It included Buffalo as well as New York, and Buffalo did its full part in securing the enactment of the law. Philadelphia is emphatically the City of Homes, and not of tenements. Fortunately for Philadelphia, its working classes are almost exclusively housed in single family dwellings. It has, as most of you know, an admirable code of tenement house laws, which has proved very useful to us at New York in preparing ours, and it has its Octavia Hill Association to advance the cause of housing reform.

In some quarters benevolent people are proposing to build model tenements. That is good as far as it goes, but if at the same time other people, not benevolent, who have no motive but gain for themselves, are permitted to build tenements which are not models, the extent of progress is very limited. What we must do, first and foremost, is to secure proper legislation, using that term in its broadest sense, to include city ordinance, as well as state law. Legislation to regulate building, so as to secure for new buildings proper air and light space and proper sanitation; legislation to regulate, in buildings old and new, their maintenance so that health conditions may be improved and at least not be impaired; legislation, moreover, that provides the means for its own enforcement, by proper inspection.

Most of us have been brought up to believe that, as owners of real estate, we could build on it what we pleased, build as high as we pleased, and sink our buildings as low as we pleased. Our ideas of what constitutes property rights and what constitutes liberty are largely conventional. They vary with time and place. They are different in different countries. Liberty, proper liberty, to-day, may, under changing conditions, become license to-morrow.

I came home from Europe not long since with a French friend, who had gone home to his native country to take possession of his ancestral estates. He told me of having found the trees grown up quite thickly around his father's country home, and of the difficulties he had encountered in obtaining permission from the public authorities to cut down some of them, which was finally only granted on condition that he replanted elsewhere. That his trees could only be cut down with the consent of the public authorities, and that he could properly be required to replant elsewhere as a condition of obtaining that consent, seemed to him a part of the eternal order of things. He no more questioned it in his mind than we, who live in cities, question the propriety of obtaining from the city building department a permit to build, based upon approval of our architect's plans.

Lecky, in one of his later books, speaking of sanitary legislation, says: "Few things are more curious than to observe how rapidly, during the past generation, the love of individual liberty has declined; how contentedly the English race are committing great departments of their lives to the web of regulations restricting and encircling them." It is not that love of liberty has declined: it is that the English race are meeting new conditions with the same genius with which they have evolved their great system of common law. Living, as most of them did a century ago, in separate houses, and in small villages or towns, every man could build as he pleased and could maintain his building as he pleased without seriously endangering the liberty of his neighbors, but with the steady movement of the population from the country to the city, and the marvelous growth of cities, not only horizontally but vertically, new conditions must be met, and the property rights and liberty of one neighbor must be limited to protect the property rights and liberty of another. If a man built an isolated house in the country, without light or air for the bedrooms, and kept it in such filthy condition as to breed disease, it is a fair question whether his liberty should be infringed by any building or health regulation. He may be fairly left free to suffer the consequences of his own misuse of his liberty. His death, and that of his family, from disease so caused may, as an awful example, do more to advance civilization by making his neighbors more careful, than would his life and theirs under enforced sanitary regulation. But if that same man is separated from you and me only by a board partition or twelve-

inch wall, and our families meet every time they go into the street or into the back yard, his liberty must be restricted in some degree in order to enable you and me to enjoy ours.

How and why has tenement house law been evolved in American cities? In the same way in which the Anglo-Saxon mind deals with any such problems. Just as it evolved common law, and for the same reasons. First a case—that is, an evil—to be remedied; afterward a decision—the application of the remedy, and the establishment of a principle or law by which similar evils shall be remedied. It is not according to the genius of our race to provide the remedy in advance of the supposed disease. Better be sure that the disease really exists, even if some few die from it, and then provide the remedy which will be sure to meet actual conditions, than to burden the community with advance remedies for diseases that after all may prove to be imaginary. Even if the disease be not imaginary, such remedies are apt to be worse than the disease itself. Thus, in Anglo-Saxon countries, a conflagration has usually preceded precautions against fire, and the evils of sunless, airless and unwholesome tenements have preceded any attempt to prevent these deplorable conditions. Eventually we act, and when we do we act practically.

It may be well to define what is meant by a tenement house, for without definition there is infinite confusion in the use of this term. In one of our recent civil service examinations in New York, a candidate, evidently "learned in the law," or supposing himself to be so, defined it as being "That which is neither land nor hereditament." It has its popular and its legal meaning. Popularly, it is used to designate the habitations of the poorest classes, without much thought of the number of families living under any particular roof. The National Cyclopaedia significantly says: "Tenement houses, commonly speaking, are the poorest class of apartment houses. They are generally poorly built, without sufficient accommodation for light and ventilation, and are overcrowded. The middle rooms often receive no daylight, and it is not uncommon in them for several families to be crowded into one of their dark and unwholesome rooms. Bad air, want of sunlight and filthy surroundings work the physical ruin of the wretched tenants, while their mental and moral condition is equally lowered. Attempts to reform the evils of tenement life have been going on for some time in many of the great cities of the world."

Legally, tenement is applied to any communal dwelling, inhabited by three, or in some cities four, or more families, living independently, who do their cooking on the premises. It includes apartment houses, flat-houses and flats, as well as what is popularly called a tenement, if only built to accommodate three, or as the case may be four, or more families who cook in the house. It is in its legal sense that I use the term. At first blush it may seem objectionable to class apartment houses, flat-houses and tenements, so called, together, and subject them to the same code of regulation. Practically, it has never been possible to draw any line of separation between different houses which are popularly designated by these different words. Nor has anyone ever suggested any regulation proper for the poorest tenement, using the word now in its popular sense, which would not be voluntarily, and as matter of self-interest, complied with in the most expensive apartment house. Nor is there any certainty that what to-day is popularly called an apartment house may not to-morrow, in popular parlance, be a tenement of the worst kind. My own grandmother, within my own recollection, lived in what was then one of the finest houses, in one of the most fashionable streets of New York. Not long since I passed the house, and noticed on the front door a sign reading, "French flats for Colored People."

In its earliest form (and many cities have not yet passed beyond the first stage) the tenement was a discredited private house, or other building, not originally built for the occupation of several families, but altered for the purpose. Each floor of what was originally a private dwelling was changed so that it could be occupied by a family. Later on—it may be at the beginning—each floor was subdivided between front and rear, so that it could be occupied by two families. One of the chief evils of such tenements arose from cellar occupation, and consequently some of the earliest tenement house regulations relate to the occupation of cellars.

In its second stage the tenement house is built for the purpose, imitating, not infrequently, in a servile manner, the arrangement of the altered house, with its dark rooms, and only gradually being adapted to a new architectural form growing out of its special use. The introduction of running water and city health regulations made it possible and desirable to locate water-closets inside. Courts and air-shafts increased in size. Fortunately, the process of evolution is not exhausted, and is still going on.

The tenement is still regarded in many places as an exotic, not adapted to our climate. But, judging from the history of New York and other cities, West and East, the tenement house has come to stay, and is, perhaps, destined to crowd out other and better forms of housing. I remember well when the first tenement to be dignified by the term apartment house was built in New York. It was in the early 70's. Now it is a prevailing type of new building for dwelling purposes on Manhattan Island. There were no less than 82,652 tenements in Greater New York at the time of the last census. The development of the tenement has been largely influenced by legislation intended to prevent its worst evils. To test the reason for such legislation, and to define its limitations, a brief summary of particular subjects of regulation is desirable.

Protection against fire is almost universal. Structural provisions directed to this end are contained in the building laws of all cities. In New York, Philadelphia, San Francisco, Jersey City, Providence, Syracuse and Nashville, all tenements must have fire-escapes. All tenements over two stories in height must have fire-escapes in St. Louis, Baltimore, Louisville, Minneapolis, St. Paul, Denver, Toledo and Columbus. In Chicago, Cleveland and Cincinnati, this rule only applies to tenements over three stories in height. In many cities tenements must be fireproof throughout when over a certain height. In Philadelphia this is true of all over four stories; in Washington of those over five stories; in New York, Buffalo, Louisville, Minneapolis and Denver, of those over six stories in height. In Boston, the limit is 65 feet.

Light and ventilation are protected by minimum open spaces. In Philadelphia there must be open spaces at the side or rear equal to one-fifth of the lot area, and the minimum width of all spaces is eight feet. In Buffalo, under the local law in force before the general state act of 1901 was passed, the minimum width of any outer court was six feet in two-story buildings, eight feet in three and four-story buildings, and one additional foot in width for each additional story. The minimum interior court was eight by ten. In Boston, a clear open space at the rear must be left equal to one-half the width of the street on which the tenement fronts, and there must be two open spaces at least ten feet wide. In some cities the required court area is expressed in square feet, without regard to minimum width or length, and increases proportionately with the height of the building. This principle is adopted in New York,

where the minimum width of exterior courts in buildings five stories high is six feet on the lot line and twelve feet between wings, and the minimum area of interior courts on the lot line in buildings of the same height is twelve by twenty-four, reduced this winter in three-story tenements to eight by fourteen. Such buildings must have an open yard at least twelve feet wide in the rear. The height of rooms is almost universally regulated, the minimum usually being eight feet. The height of tenements is limited in many cities.

Water supply is prescribed. In New York, water must be furnished on each floor. In Philadelphia and Buffalo, on each floor, for each set of rooms. In Boston, Chicago, Jersey City and Kansas City, in one or more places in the house or yard.

Water-closet accommodation is very generally prescribed. In Philadelphia, and in New York under the new law, there must be one for every apartment. Under the old law in New York, and at present in Chicago and Detroit, there must be one for every two families. In other cities the unit is the number of persons. It is twenty persons in Boston, Baltimore and Denver; ten persons in Rochester.

The reasons for tenement regulation may be roughly classed as follows—precise classification is impossible, as it is seldom that any particular regulation is attributable solely to a single reason:

The protection of property rights in adjacent property. Such is the reason for regulations requiring fireproof construction in whole or in part. Such is the chief reason for limitations of height and for leaving an obligatory open space at the rear of each house so as to preserve thorough ventilation for the block. The protection of neighbors and the community from unsanitary conditions, by which they might be affected, or which might breed contagion. Under this class falls the great body of sanitary law and tenement house regulation of a sanitary kind. That all legislation which falls within these classes can be justified as a proper restraint on the liberty and property rights of some, in order to protect and preserve the property rights and liberty of others, is clear.

There is another and increasing class of regulations intended to protect the life and health of those who cannot, it is supposed, protect themselves by any means within their control. Fire-escapes, which are almost universally required by law in non-fire-proof tenement houses, belong to this class. There is no such regu-

lation for private houses, and there is usually no such requirement for two-family houses. The reason for the fire-escape in tenements and hotels must rest either on the supposed inability of the inmates to protect themselves, as the owner of a private house can protect himself and his family, or else from the greater number of persons exposed to risk. Of such class also is the law providing that there be a separate water-closet for each apartment, as in New York, or for every two families, as in Detroit and elsewhere, and that lights be kept burning in public halls at night. No such regulations exist for private houses. They can be only justified in tenement houses on the theory that the tenants in such houses must live in them, cannot control their maintenance in these particulars, and are entitled to the protection of affirmative law for these necessities or conveniences. It may be answered that they need not rent rooms in houses not furnished with separate water-closets, and the halls of which are not kept lighted, unless they wish to, and that they should not be restricted in their liberty to rent rooms in such houses, it may be at a lower rent, if they so desire. The reply may be, and in some cities would properly be, that they would have no choice unless the law intervened to protect them. Moreover, it might be urged that in the provision for separate water-closets for each apartment, and in the lighting of public halls, there was an element of protection to public health and morals in which the community had an interest, and which the community by regulation should insure.

I have sought by these illustrations to point the closeness of the dividing line between justifiable restriction of the individual liberty of the house builder and house owner, for the protection of the liberty of others, and paternalism. It is undoubtedly true, as Mr. Lecky states in the concluding part of the paragraph to which I have already referred, that "the marked tendency of these generations to extend the stringency and area of coercive legislation in the fields of sanitary reform is one that should be carefully watched. Its exaggerations may, in more ways than one, greatly injure the very classes it is intended to benefit." There is real danger lest in our eagerness and earnestness to improve the condition of others, we legislate from the point of view of those fathers and mothers who are always ready to regulate the affairs of every family but their own, and break down the habit of self-dependence

and the spirit of individual responsibility upon which the vigor of our American social fabric so largely depends

Perhaps the most important limitation to tenement house reform, in the construction of new tenements, is the question of cost. If tenements cannot be rented at a profit they will not be built. There are many things which it would be desirable to have in a tenement, each one of which adds to its cost, and if they be required by law to an extent which makes it unremunerative, tenement building will cease. It is undoubtedly desirable that all tenements should be fireproof throughout; indeed, the same may be said of private houses. In 1892, Boston so prescribed; but few, if any, were erected, and the law was consequently modified in 1899.

The amount of rent which the average American working-man in any particular city can pay approximates a fixed quantity. Any legislation which materially increases this rent, or which prevents building and therefore prevents his finding shelter, is quite certain to be repealed. This proposition, however, is not so discouraging as it may appear at the outset. The standard of living among our working classes is steadily improving. What yesterday was a luxury, to-day is a necessity. In many cities, apartments which are not provided with running water are unrentable. Bathing facilities are increasingly in demand, and are frequently being provided. Families that have once lived in apartments where the bedrooms have light and air, will not hire apartments which are dark and unventilated. The supply must meet the demand. Interest rates are receding; economies in construction are being introduced, which some time ago were unknown, largely by the building of houses by the wholesale. The large profits which were demanded as the normal income on tenement houses in the past are no longer expected. Rooms up to the standard of the modern tenement house law can be provided without increasing the rental.

Another limitation in many cities is the prevailing lot dimension. If Dante were to-day writing his "*Inferno*," the lowest depth would be reserved for those men who invented the twenty-five foot lot and imposed it on so many American cities. In unbuilt districts, where several lots, whatever be their dimensions, can be purchased and built upon together, the lot dimension does not necessarily control the frontage of the building, and the tendency

in such districts in New York is to build tenement houses of wider frontage, which admit of better court arrangement, but there are usually so many lots separately owned, and so many which are situated between lots already built upon, so that their enlargement is impossible, that any proposed legislation prescribing court areas which, however desirable, puts the prevailing lot unit at a disadvantage, will meet with overwhelming resistance. No better illustration of this can, perhaps, be found than the story of New York legislation this winter, of which I intend to speak. From the point of view of proper tenement house construction, happy that city in which land is sold by the front foot, instead of by any procrustean lot unit.

There is another practical limitation, not necessarily to the enactment of tenement house law, but to its permanence, in the extent to which it, either actually or supposedly, interferes with the profits of builders and material men, and perhaps no better illustration of this practical limitation can be given than a simple recital of the contest over the radical amendment of the New York law which has been waged at Albany during the past few weeks, and which terminated only a few days ago. The New York law of 1901 marked the longest step in advance that tenement house reform in that state has ever taken, though in its provisions for court areas, the particular point in which it was assailed this winter, it does not go so far as the Philadelphia law, and but little further than the previous Buffalo law. It unquestionably increased the cost of construction by its fireproof provisions, as well as, though in a less degree, by its larger court areas. That there would be, this winter, organized effort on the part of building and real estate interests to modify it was certain and inevitable. Many bills were introduced amending it, but my illustration only concerns two, the City Administration bill, in the preparation of which I myself had part, and a bill introduced by a Brooklyn member of the Legislature in the interest of Brooklyn builders and material men, who claimed that they represented the people of Brooklyn. It is a fair question whether Brooklyn did not really have a grievance against last winter's law. One of the prevailing types of Brooklyn tenements is a three-story house on a twenty-five foot lot, with two families on a floor, making six families in all, each apartment running through from front to rear. These houses had been built with interior courts or air-shafts about two and a half

feet wide and ten feet long. These light-shafts were supposed to light and ventilate the interior rooms of each apartment. As a matter of fact, they furnished little light or ventilation to any bedrooms below the top floor. The same type of air-shaft in taller tenements of Manhattan was one of the chief evils against which the new law was directed. These evils were undoubtedly less in a three-story building, but still existed. The minimum interior court or air-shaft permitted by the new law in such buildings was eleven feet wide by twenty-two feet long. Such a court prevented the building of this type of house, and no tenements of this type were consequently built on twenty-five foot lots from the time when the law went into effect. The Brooklyn bill sought to amend the law, as respects three and four-story houses, by permitting a return to the old air-shaft, with an increased width of six inches, and with a somewhat increased length, making it three by twelve. We conceded that under the law it was impossible to build this particular type of tenement on a twenty-five foot lot, with each apartment running through from front to rear, but we demonstrated that it was perfectly practicable to build what seemed to us a much better two-families-on-a-floor tenement on such a lot, by putting one apartment in the front and another in the rear; that it was perfectly practicable to build, under the law, apartments running through from front to rear on a somewhat larger lot, and that the law interfered with no other current type except the one in question. The separate front and rear apartments, which were practical under the new law, are usual in Manhattan, and the rent obtainable from the front apartment differs but little from that obtainable from the rear apartment. Our Brooklyn friends insisted that though Brooklyn was a borough of New York and only separated from Manhattan by the East River, Brooklyn people were so accustomed to apartments running through from front to rear that they would not rent rear apartments, and indeed, that the social distinction between families who could afford to live in the front apartment, and those who would be forced to live in the rear apartment, was so great that they would not rent apartments in the same house.

This proposition may seem strained, but we of the City Administration were finally satisfied that so much regard should be paid to local habits and customs, that it was wise to modify our minimum court areas in three-story houses to such a point as would

permit the building of this particular type of Brooklyn house. Plans were then made which demonstrated beyond peradventure that by reducing the minimum court area to 8x14, instead of 3x12, this particular type of house could be built, with bedrooms infinitely better lighted and better ventilated than those opening upon the narrow shaft. One would have supposed that this improved plan, which permitted Brooklyn builders to construct a front-to-rear apartment, for which they claimed so many advantages, would have been received with acclamation as a solution of the difficulty. Not at all. Some insisted that Brooklyn must have what it was accustomed to, narrow air-shaft and all. Others more openminded, while frankly admitting that the new plans made better apartments, which should bring in an increased rental of from fifty cents to a dollar a month, insisted that tenants would not pay more rent, and that because the buildings under these new plans cost say \$800 per house more than under the old plans, they would not be commercially profitable, and therefore would not be built. Not a word was said as to the interests of tenement dwellers. There was no dearth of apartments in Brooklyn at current-rents. Indeed, the supply was far beyond the demand. The whole issue turned on the commercial profitableness of building under the law, as amended by the City Administration bill, to meet this Brooklyn condition. The Brooklyn builders were perfectly frank in their arguments. They started with the premise that the building of tenements in Brooklyn must be made commercially profitable; that buildings under the new plan, with a minimum court area of 8x14, would not be commercially profitable, because about \$800 was added to their cost, and therefore insisted that the law should be amended to meet their ideas of commercial profitableness. That the purpose of the law was not to promote building operations, or increase the value of real estate, but to provide healthy habitation for tenement dwellers, and that that purpose was certainly being accomplished under the new law so long as tenement dwellers could house themselves without any increase in rent, was ignored, nor if it had been urged would it have seemed to them an argument worth considering.

I am happy to say that they did not succeed, but they demonstrated the influence which can be exerted upon the average legislator by men of their type through their trade and allied labor organizations, and had those who, at the moment, represented the

unorganized public in the cities been less active, and had the force of public opinion as voiced by the press been less outspoken, the result might have been different.

The advance of tenement house reform undoubtedly means some diminution in the profit of the landlord, or some increase in rent. Improved tenements must cost more. Someone must pay that cost. If any material rise in rents would produce such opposition to the law as to repeal or modify it, then either the cost must be borne by the landlord, or the law must be modified. Whether the landlord's rent will by the law proposed in any city be diminished below the point of legitimate profit, cannot be certainly demonstrated until the experiment be tried. Some enlightened landlords, with a sense of their obligations toward their tenants, are perfectly willing to suffer this small diminution of income. Others are not, and the others, who usually constitute the majority, in alliance with the builders and material men, will always seek to prevent legislation which affects their pockets. Tenement house reform must always be militant, not only to gain ground, but to hold the ground that has once been gained.

There is something for almost everyone to do. Let none suppose that our cities, however small, will remain free from the evils of the tenement house, which in larger cities has necessarily evolved in self-protection tenement house regulation. The tenement has come to the United States, like the Canada thistle, to grow and to multiply. The smaller cities need not go through the bitter experience which is teaching New York and other cities their lesson. They can, by timely regulation, prevent the crystallization of unsanitary conditions into brick and mortar. I do not recommend the adoption in every city of the New York law. It was framed to meet the special conditions there existent. The remedy should be no greater than the prevailing or expected disease warrants. A few elementary regulations with regard to court areas, vacant spaces, and regular and official inspection to make certain that these simple regulations are followed in construction and that ordinary sanitary rules are complied with in maintenance, will suffice, if there always be a keen eye to look some years ahead, to meet future needs before they make themselves unpleasantly manifest in your own surroundings, and before conditions are created, as in New York, which cannot be changed except at great cost to owners and to the municipality.

The Housing Problem in Chicago

By Miss Jane Addams, Hull House, Chicago

THE HOUSING PROBLEM IN CHICAGO

By MISS JANE ADDAMS

Hull House, Chicago

In considering the housing problem in Chicago, it is at once evident that we are not in the deplorable condition of New York, nor yet perhaps in the happy condition of Philadelphia. Until a year and a half ago, we thought that all our problems in connection with the housing question were in the future. We have a way in Chicago of shoving disagreeable problems into the future, and saying that we will take care of them by and by, when our resources are more adequate, when we have developed a little more civic consciousness. An association of people, however, called the City Homes Association, some eighteen months ago, made a very careful investigation of such tenement districts as we have and their report was startling, even to those of us who knew something of the conditions by daily seeing them.

The time at the disposal of the committee was only six months, and Chicago is very large as to area. We have 187 square miles under city management, and the tenement houses, certainly according to the legal definition given by Mr. De Forest, are scattered more or less through that very large region. It seemed, therefore, better to take three districts, limiting carefully the area of the districts, and to make as careful a study as possible of each. The largest one, in two of the river wards of Chicago, was mainly occupied by Italian immigrants and Russian Jews. The second in size was the Polish district northeast of the business quarter of the city, and the third in size the Bohemian district extended south from the centre. We discovered several things which were very surprising, among them that many of the houses were owned or partially owned by the people living in them. The thrifty Bohemian put his savings into a house, perhaps building at first a house on the front of his lot, living in a few rooms, and so saving rent until he had enough money to build a rear tenement, in the end covering up his lot as much as possible and renting it all out. The Italians to a somewhat lesser extent did the same thing, and the Poles also, so that one could not talk of the effect of

tenement house regulation upon the landlord in contradistinction to the effect upon the tenant, for it is very largely the neighbors of the tenants themselves who are the landlords, and the tenant and landlord are represented by the same type of person. Their interests are identical, not in the larger sense, but in the immediate sense, and they stand together either in demanding or opposing certain regulations. The situation is quite unlike that obtaining in the cities where the landlord lives in some other part of the town, and where tenement legislation affects only his property interests and not his human interests.

We also were very much surprised at the density in certain quarters which this investigation disclosed. If the average tenement house density of the three districts investigated were spread throughout the city, we could house within our borders 23,000,000 people. We discovered one-seventh of an acre which was occupied to the ratio of 900 people to the acre, and if that density were applied to our borders we could house, not very comfortably to be sure, all the people of the Western Hemisphere. This seemed to us sufficiently alarming in a city in which it was said that the matter of density was something concerning only the future. The average tenancy in the houses throughout these three districts was only three families to a house. This average means that in many cases there is no real tenement, but a single house. Again, many of these single houses were very small, sometimes containing but two or three rooms, and the average number of rooms to an apartment was 3 116-1000. Although many houses were small and the tenements for each house again small, in certain quarters the density within the houses was very great and the conditions bad. We also found in these three areas almost a hundred full-fledged double-deckers, and a great many more that only escaped being double-deckers through a mere technicality in the definition that had been settled upon. These double-deckers are growing and, unless we have a more vigorous enforcement of tenement house regulations in Chicago, threaten to become very common there.

In both the building department and in the health department of the city, a great deal is left to the discretion of the inspector. Of course, in the city where the landlord not only owns his house but also lives in it and at least knows which way his tenants vote, this matter of discretionary power becomes an important one. It is very hard for an official to stand out against a certain amount of

political pressure, and the consequence is, that while there are laws fairly good on books, this large discretion left to the enforcing officers has made many of them of little account. This is especially true in regard to the yard spaces, which are set between the front and rear tenements, the size of the shafts, and other special regulations. The City Homes Association is trying at present to secure a better code of tenement house legislation, to restrict the discretionary power and thus to limit the very casual and varying judgment of the enforcing official, and to give some sturdy standard in law observances.

In the matter of rents, Chicago is in rather a curious state. The property in the river wards, in which many of these houses are situated, has been held for a long time by its owners upon the theory that finally factories and shipping interests were going to occupy the land. The consequence is, that the little houses which were built very soon after the fire have been allowed to remain, without very much repair and without very much change, and in many cases have become so wretched that only a low rental can be asked for them. The men who own them, content themselves with getting out of the houses about enough to pay taxes and to keep up a minimum amount of repairs. So that the rent of certain houses in the river districts is low. Perhaps this is not low for Philadelphia, although I am sure it will sound low for New York. The average rent paid by an Italian family for an apartment is \$4.92 a month, or \$1.78 per room a month; the average rent paid by a Bohemian family for an apartment is \$5.93 a month, or \$1.64 a room; by a Polish family \$5.66 for an apartment, and \$1.40 for a room; by a Jewish family \$8.28; the average rent rising to \$2.12 a room. Whenever the question of modern tenements comes up in Chicago, and the cost is carefully gone into, it is found very difficult to furnish apartments in good, satisfactorily well-built houses at so low a rental, and yet once this rental has been established, it is found on the other hand very difficult to ask much more than the current rate. By a strict enforcement of law many of these houses should be demolished. That would rid the city of a number of unsanitary houses and bring conditions to a more normal situation.

What Mr. De Forest says about the twenty-five foot lot, I should very much like to corroborate. It is very difficult to erect a convenient house on a lot 25 feet wide and 120 feet deep. This

unfortunate division of property was made in the first instance, doubtless, to enable as many men as possible to own their own separate houses. For a long time we have made a sort of fetich of the house, and have come to believe that a man has a sense of being at home only when he is within four walls standing alone upon one piece of ground. In reality the idea of a home reaches back so much further than the four walls, and is so much more deeply implanted in the human breast than the ownership of land that we do not need to fear that a new type of house will destroy it. But we are timid and would rather be uncomfortable in a little house than to start out in some reasonable way in building apartments. If one has a house $12\frac{1}{2}$ feet wide and 24 feet deep and 24 feet high, one has not a very comfortable arrangement. It is not even rationally divided, but by a purely imitative method; in every house you enter you will find the little hall, the little stairs, and all the other things that presuppose plenty of space. If that same strip of twelve feet had been added to the other strips in the block and the whole treated in some reasonable manner, we could comfortably house the same number of people in a sort of glorified tenement house or apartment house; each family might have at least one large living-room where the members could get together in comfort and have a much better chance for conserving family life than they have in the little square box. Some of us still believe that a workingman has a sense of ownership only when he puts his savings into a piece of ground or the house in which he lives. To tie a workman down to a given piece of ground is often of questionable good. A man may put all his savings into a house on the North Side of Chicago, for instance, and before it is paid for, find himself out of work; his next work may be fifteen miles from that place, in South Chicago. If his house is partially paid for, it is very difficult to get rid of it, and it is also difficult and expensive to travel fifteen miles twice a day. If his property had been in some other form, let us say stocks or bonds, it would have allowed him much more mobility in regard to his labor, and he would have a better chance of adjusting himself to the changing conditions of his trade.

A Housing Conference, it seems to me, ought first of all to look at industrial conditions as they confront the workingman of to-day, not as conditions existed fifteen or twenty years ago, nor as they existed for our fathers. A conference should not consider the workingman of its imagination, nor yet the workingman as he

ought to be, but the workingman of to-day as he finds himself, with his family, with his savings, with his difficulty of keeping a place very long, due to the sudden changes in the methods of his trade. His employer is obliged to make constant changes and adaptations in his factory, but his landlord is afraid to try changes in his house. We hold a certain fiction in our minds of what home is and what it ought to be, forgetting how far back it goes, that it can survive all sorts of changes and adaptations, that the one thing which will kill it is that which kills every living thing, *i. e.*, lack of adaptation to its environment; if it fails to adapt itself to the situation as it really exists, it is for the first time endangered. If the community, as a whole, gives its mind to it, as the Philadelphia community seems to be doing, and knows conditions accurately and thoroughly, I am sure we are going to see very marked changes in the housing of the poorer people of the modern cities, and we shall no more cling to the single house than to the country store. The time may come, when, if in any city, the death-rate rises above the normal, that the body of public-spirited citizens shall at once feel forced to do something about it, that they shall be filled with a sense of disgrace and feel that a disaster has occurred in their city. At the present moment the death-rate is constantly above the normal, in certain quarters of our cities; we allow it to be high year after year, knowing that it is excessive. This apathy can only be explained on one of two grounds, either that we do not know the housing conditions which exist, or that we are so selfish as to have no sense of responsibility in regard to them.

DISCUSSION OF THE PAPERS READ BY MISS ADDAMS AND MR.

DE FOREST:

"Q. Is the discretion, which Miss Addams says is abused in Chicago to such an extent, exercised with regard to the legal court area which should be left unoccupied by the building?

"A. (Miss Addams), I would reply, yes, that buildings are permitted to go up with lesser court areas than provided by law. The matter is so largely in the hands of the office giving the permit that almost every provision is changed. I think we found in this investigation houses which illustrated the encroachment upon and the breaking of every single ordinance found upon the statute books, in regard to the shaft area as well as other provisions.

"Q. I cannot see why the figures mentioned should be unduly low for the rent per room per month, or should be too low to permit a reasonable profit to the owner of property. I have rented a six-room house in Washington, around the corner from one of the best residence districts, for \$3.50 per room per month; furnished rooms in New York, near Columbia University, for \$2.00 a week, and downtown, near the business part of the city, for \$1.50, furnished, with attendance. I wonder if Mr. De Forest can tell us what, under modern conditions in New York City, for example, should be a fair rent which would enable a landlord to get a fair profit on the investment per room per month.

"A. (Mr. De Forest), In New York, rents are, I think, on a business basis. In other words, I do think the landlords expect to receive, and do receive from their tenements a normal income, and in many instances more than a normal income. The modern tenements which are being put up by the City and Suburban Homes Company of New York, which are now being increased in number, do produce a fair income, representing not less than 4 per cent on the money invested. I refer to the buildings constructed at the present time under the modern requirements of the state law.

"Q. The Washington Sanitary Improvement Company paid 5 per cent from the very beginning and rents its flats for about \$3.00 per room per month. The buildings are one to three stories high.

"A. Land is considerably higher in Washington. This land is not less than \$150, and usually \$200 a foot. The price quoted lowest was \$1.78 per room per month, whereas your price was \$2.00 a week, for New York; \$3.00 and \$3.50 per month for Washington.

"Q. We have heard this question from the standpoint of Chicago, New York and Philadelphia, but the clientele of this association, as I understand it, covers the entire country, and I should like to ask Mr. De Forest whether it is not true that the investigation made by the Tenement House Commission of New York disclosed the fact that in virtually every manufacturing city of the country there is to-day distinctly a housing problem for the poor and that definite constructive work needs to be done to remedy the evils.

"A. The investigation made by the Tenement House Commission which covered all the large cities, and some of the smaller ones of the country, includes statistics from twenty selected cities.

It is true that the tenement house problem presents itself in a much less degree in some places than in others; it does so to a much less extent in Philadelphia. In other large cities of the country the housing problem exists to a large extent, and so much so in some of the smaller cities that last winter the cities of the second class in New York State—Syracuse, Utica, Albany and Rochester—took up the problem of regulation in these cities. Jersey City, which is directly opposite New York, and which is a comparatively small city, has some of the worst housing conditions in the whole country.

"Q. About how large a proportion of the population is affected by the housing problem in New York?

"A. The total population of New York is about 3,400,000. Out of that population upwards of 2,200,000 live in tenement houses, as legally defined, which includes apartment houses. The proportion in Brooklyn is quite as large as in New York, although there is a smaller number of families per house.

"Q. What is a double-decker?

"A. (Miss Addams), The double-decker was originally, of course, a house, which grew from the fact that there was a front tenement and a rear tenement, and that later the two were joined into one house.

"Q. I would like to ask Miss Addams as to Chicago and Mr. De Forest as to Brooklyn, whether any notice has been taken of the question as to the best pavement for the poor sections of the city, that is, whether asphalt for the lanes and alleys is not, as a rule, cleaner in appearance and in other ways, than other kinds of paving, as cobblestone, for instance.

"A. (Miss Addams), I will ask Mr. De Forest to answer that. Paving is a weak point in Chicago.

"A. (Mr. De Forest), Perhaps I ought to say that I am glad to find some point on which New York has something to say. Most of our congested tenement districts in New York, largely on the East Side, have been paved with asphalt. This is regarded as a matter of grave importance, and was one of the subjects considered by the Tenement House Commission; that in some districts there should be asphalt pavements, because the families almost live in the streets in summer and the children all play there, was one consideration, and keeping the streets clean was another of great importance.

"Q. Do you think that the facilitation of the workingman

in change of residence, either within metropolitan borders, or from one city to another, or from one state to another, is a good thing in contemplation of his privileges and duties as an American citizen?

"A. I think that in industry, as it is now organized, with the sudden changes and fluctuations of skill, if the workman is deprived of the power to sell his labor, it is very bad for him. Then I think the adaptable person is a better American citizen than a person who is planted too hard.

"Q. Are you not, therefore, regarding only the rights and the good that may be done to the individual, eliminating altogether his obligations as a citizen?

"A. What I wanted to say was this, that I think we have a way of relegating all the old-fashioned virtues to workingmen and reserving to ourselves the most interesting and more adaptable virtues. We say to our workmen, do not drink, be thrifty and industrious. These are good but negative. We reserve to ourselves the power of developing an interesting life, and all the rest of it. On general principles, if a man can stay in one place and own his house, of course it is better for him both from a financial and social point of view; but there are exceptions, and we all know that the present industrial conditions imply constant change both in methods and place of manufacture, that if we really understood the workingman's needs and were trying to serve him, we would evolve some such plan as has been evolved in Belgium. A man there puts his savings into the Government Savings Bank, which has all the features of a building and loan association. As I understand it, he may make partial payments upon a house in Brussels, but if his work takes him away from that city to another within the kingdom—let us say Ghent—he may transfer his payments to a house in Ghent. On the other hand he may remain in Brussels, complete his payments until he owns his house or withdraw his stock in his own house, after allowing for proper depreciation, and hold his savings in simple bank stock. The entire arrangement is flexible and adaptable, and transfers the sense of ownership from the simple ownership of land and house, to the more complex one of stock.

"Q. Regarding gardens, playgrounds and gymnasiums, which, in some sections of Philadelphia—namely, the College Settlement—have been located on the tops of buildings for the benefit of children, has that been done in New York and Chicago, and with what success?

"A. I should say, yes, so far as the movement has gone, that is with regard to open playgrounds, not speaking of roof gardens, and with regard to open parks. The small park movement has undoubtedly done a great deal of good, and the children's playground, so far as it has gone. It has not gone to the extent that its friends desire. So far as roof gardens are concerned, that is, the adoption of roofs for recreation, that has not been done so far as I know. It has been thought of and talked of, but never carried out."

**Certain Aspects of the Housing Problem in
Philadelphia**

Report Prepared by the Octavia Hill Association

CERTAIN ASPECTS OF THE HOUSING PROBLEM IN PHILADELPHIA

REPORT PREPARED BY THE OCTAVIA HILL ASSOCIATION

The work of the Octavia Hill Association has been one of detailed management of the houses of the poor and not of investigation, but it cannot let this opportunity pass without describing some of the conditions known to it. No comprehensive report of housing conditions in Philadelphia has ever been made. The Seventh Special Report of the Commissioner of Labor in 1894 on the Slums of Great Cities has interesting data on living conditions at that time in certain sections of the slum districts, while "The Philadelphia Negro," a social study, by W. E. Burghardt Dubois, published by the University of Pennsylvania in 1899, throws a vivid light on the problem in its relation to the colored population of the Seventh Ward. We believe that the time has come for wider consideration of this important subject. Our purpose in this paper is to urge strongly the importance, if not the necessity, of a thorough investigation and that one may be undertaken in the near future before our situation becomes more serious.

Philadelphia had in 1900 a population of 1,293,697 persons, covering an area of almost 130 square miles, with an average density of about fifteen persons to an acre. Of its 258,690 dwelling-houses more than one-half are two-story dwellings, and its average number of persons to a dwelling is 4.91. These facts show that our problems differ radically from those of New York and Chicago and that it is the house built for occupation by a single family and not the tenement, which is the important feature for us to consider. The excellent system which has made Philadelphia famous and has given it a larger proportion of separate dwellings for the working classes than any city of an equal population, has blinded our eyes too long to the evils which have been growing up about us. Until within a few years the building law was practically a dead letter, and no check was placed on the avarice of the landlord in his desire to gain the utmost possible return from his ground space. Even to-day we have no laws for the enforcement of underdrainage and our municipal departments are unable with their small force

of inspectors to cope with the conditions we are facing. These facts have given us problems which though the way to their solution may be plain, yet demand serious consideration.

Philadelphia can be justly proud of the way in which the needs of the regularly employed wage-earner have been met by the small house. In the newer and outlying parts of the city this house is found in its best development. There are rows upon rows, streets upon streets of attractive four and six roomed houses with an increasing number of modern conveniences. Sanitary plumbing, bath, range, furnace, gas, a cemented cellar, a porch and a small yard may be had for from \$15.00 to \$20.00 a month. Three thousand six hundred and twenty-five two-story houses were in 1901 added to the already large number of these and the Building and Loan Associations bear witness to the continued demand and the increase of popular ownership.

Nearer to the centre of the city also, and in the great mill and factory districts, one finds still the individual home, but here the houses are older, the rows seem longer and more unbroken in their monotony and in innumerable courts and alleys there is surface drainage. Here, also, we find the various features of the problem which grows more difficult in the older parts of the city and as the social scale is lowered. In prosperous times, each small house holds one family. In times of industrial depression the house built for one family must with no additional conveniences, no better arrangements for privacy and comfort, accommodate two or more.

For the purpose of this report we have considered mainly the district in the southeastern part of the city where our own work centres.¹ The five wards, where this district lies, contain about one-tenth of the population of the city and cover about one-eighth of the area or one and three-fifths square miles. The average density of population in these wards is 123 persons to an acre. In the Third Ward the average number increases to 209. The wards are relatively well provided with park area, but the whole amount used for this purpose is only 16.88 acres out of a total of 1030 acres, which shows the crying need there is for more breathing spaces in these congested districts. There are a number of old graveyards which would be valuable additions to the park area if they were so used. The total number of inhabitants in the five wards is

¹ The five wards are the Second, Third, Fourth, Fifth and Seventh. One-half of the Seventh extends out of the district towards the west, but shows many of the same characteristics.

127,466. Of these, 50,733 are foreign born, 17,611 are negroes. It is impossible to attempt a description of the many phases of life throughout this region. The large numbers of foreigners are grouped together according to nationality, in fairly well-defined geographical areas, each showing many characteristics of its own national life. The slum districts shift their centres somewhat in the changing of populations, but are seemingly as strongly entrenched as ever and extend over increasingly large areas. Architecturally the buildings show great variety. Quaint, gabled frame houses often in the most dilapidated condition, modern brick dwellings, colonial houses of fine proportions, and tenements are found side by side often in picturesque proximity.

The size of the block in Philadelphia is an important factor in any consideration of its housing conditions. This block averages about 400 feet square. By the purpose of the founder of the city it was intended that each house should be in the middle of the "breadth of his ground, so as to give place to gardens, etc., such as might be a green country towne which might never be burnt and might always be wholesome."¹ This large size has continued to be the plan of the city and has lent itself readily to being cut up into the network of inner courts and alleys which are practically universal. The gardens, however, in all the poorer districts, have totally disappeared. The small house has been crowded onto the ground formerly allotted to them, and the revenue from the land has been increased by an intensive process, which while not building into the air has covered the ground with large numbers of dwellings. It is the limited height of the buildings that is the saving factor. If the houses were high with the consequent increase of overcrowding to the acre, the conditions would be extreme.

From the various types of houses known to us we have chosen for special mention three of those which show most clearly the character and needs of this district. The most striking of these is the occasional large tenement. In the early nineties the great increase of immigration suggested the building of tenements as a profitable investment. The result was a goodly number of scattered houses, built under the law governing the building of the ordinary dwelling-house and showing some of the worst phases of tenement house construction. Narrow air-shafts, lots closely built

¹ Watson's Annals, Vol. I, p. 43.

over, insufficient plumbing, badly ventilated and dark rooms, inadequate fire-escapes, would if multiplied have thrust upon us a problem of a very serious form. These houses hold from sixteen to fifty families. In many instances the yard space is a long narrow strip on which all the rooms are dependent for air and light except those on the front of the building. When the adjoining lot is covered in the same way the result is a narrow well in which sunshine cannot enter and through which there is no circulation of air. In one case, in a house built on the four sides of its ground, sixty-four rooms open on such a well which is seven feet six inches in width, while in another instance a copy of the New York dumb-bell plan is found. This movement was fortunately watched and arrested in its early development. Through the thoughtful action of Mr. Hector McIntosh and with the co-operation of a number of prominent city officials and others, a wise law was framed and accepted by the Legislature. The evil was checked and the building of large and badly arranged tenements prevented.

Under this act of May 7, 1895, the term tenement is defined as meaning every building which is, or is to be, occupied by three or more families, living independently of each other and doing their cooking on the premises. The act provides that not more than 80 per cent of a lot can be built on, except in corner properties, that the width of a yard shall be not less than eight feet, that every room in such houses shall have a window opening upon a street or upon the yard, that every tenement house over four stories high shall be fireproof throughout. It has also stringent provisions in regard to water supply, sanitation, minimum size of rooms, halls, etc. The cost of building is thus so much increased as to be almost prohibitive.

In 1890 the percentage of families living in tenement houses in Philadelphia was 1.44. Whatever the increase in this figure may be in the census of 1900,¹ it remains true that only the poorest live in one and two rooms, and that as soon as a higher rent can be paid, or a small house can be had at a low rent, the change is eagerly made. The management of all large tenements is very difficult, and manifest evils are sure to follow neglect and inefficiency on the part of the owners. Thus, in a community containing so large a number of small houses, the tide was turned from this plan of

¹ The Second Volume of the Census of 1900 is not yet issued.

housing at a critical moment, the results of which are of far-reaching benefit.

The second class of house which is found prominently is that built for one family of the better class and now converted to the use of three or more families of the very poor. In the history of housing in other cities, these houses have formed one step in the evolution of such tenements as we have described. Here, they form the most important phase of our tenement house problem. May it not be that by wisely adapting them to the needs of the very poor they can take the place of the larger tenements and give to Philadelphia the proud distinction of housing these classes in small buildings, which shall avoid the evils attendant upon the herding of many families together? At present, there are large numbers of houses of this class in the older parts of this region and a total failure of any adaptation of the old arrangements to suit the new conditions. The houses are usually well built and the rooms large and well ventilated, but there is no attempt at adequate or sanitary plumbing. The hydrant in the yard is often the only water supply and there is probably but one closet, also in the yard, the privy well of which may be shared by three adjoining houses. Little attention is given to care or management. The repairs are neglected, the stairways are dark, the halls obstructed by extra furniture and rubbish. In many cases the cellars are damp and filthy and give no provision for storage. The yards are obstructed, there are no arrangements for drying clothes.

The law provides that when buildings are altered into tenements certain provisions shall be enforced, but it makes no mention of the need for this alteration in houses so used without changes, nor does it exact any such changes. The landlord of the district is keenly alive to the fact that when alterations are to be made, an affidavit that the house is to be used by only two families will protect him from the exactions of the tenement house law. A special investigation into houses of this class would surely show how the law could be amended to cover their defects and to fit them at a moderate expenditure and under good regulation to meet the needs of the newly arrived immigrant and of the very poor.

This type of houses built for one family and changed into tenements has another and a worse form when it is used for what is known as a "furnished room house." There is a large, and it is believed a steadily increasing, number of these in the older parts

of the city and where conditions have greatly deteriorated. There are no data on which to estimate their number. A thorough inquiry could be made only with police or other authority behind the workers. These houses are tenements and have all the objectionable features of tenements in a marked degree, besides others peculiar to themselves. These features are intensified by the character of the tenants, who are of the lowest class. Sometimes the houses are used for immoral purposes, and the occupants generally are shiftless, intemperate and slovenly. Some few are deserving families where the breadwinner is out of work. Their conditions are deplorable, and they have not even the stimulus to decent living that comes from the ownership of household goods. The buildings are generally old, and ill-adapted to the number of people crowded in them. The rooms are rented by the week at prices ranging from \$1.50 to \$2.50 per room. They have the scantiest possible equipment of old and dilapidated furniture. They are dirty and unventilated; the beds and bedding indescribable. Water is seldom found above the ground floor. Bath-tubs are unknown or used for storage. In most cases there is but one closet in the yard for all the tenants of the house. The yards, as a rule, are filthy. There is no apparent effort at cleanliness or supervision. One room is the ordinary rule for one family, with frequent boarders in addition. In some cases the large rooms have been divided by flimsy partitions, and each half is occupied by a family. The primary need of these houses is frequent and efficient inspection. This is more urgent than in a case of ordinary tenements, as the occupants are the lowest and the poorest, and unable or unwilling to make any efforts in their own behalf. In no way can the Health and Building Department regulations be enforced, nor any general improvement in the condition of these houses be effected, except by a system of periodic inspection, followed by action by the proper city departments. It is entirely possible that a thorough investigation of these houses made under adequate authority throughout the city, would show the prevalence of conditions warranting a system of licensing—the license to be revoked upon failure by the landlord to enforce reasonable regulations as to cleanliness, decency, overcrowding, etc.—in addition to the present laws applying to all tenement houses.

The third class of houses to which we would draw special attention is that of the rear dwelling, a small two or three-story

house, built sometimes singly and sometimes in rows of from two to eight or ten houses on the rear of the front house. This plan of building has been characterized as the horizontal rather than the vertical tenement. The entrance to the row is by a narrow passage-way from the street or court. This passage-way is also frequently the means by which the surface drainage is carried to the street or to an open sewer-connection at its entrance. The space in front of the houses is the only yard. Sometimes this space widens at the end of the entrance-way and there is a double row of dwellings facing each other and covering the rears of two or three front lots. Sometimes again the open space forms a square with houses on three sides. Thus one comes unexpectedly on a little community whose existence one has not imagined. More often, however, the narrow passage-way runs the whole length of the row and in many cases the brick wall of an adjoining lot shuts away all air and sunshine and makes a prison of the little court.

In a careful investigation made by the college settlement into the sanitary condition of one block in its immediate neighborhood, this type of house was strongly illustrated. Out of a total of 196 houses in the block, over 90 were rear dwellings, and but a small proportion of these was underdrained. The building of rear houses is now prohibited by law. Such an investigation as we ask for would show many localities where some houses should be torn down to give light and air to the others, and other cases where the courts should be cut through or entirely demolished. Where the conditions are good, however, these houses meet the needs of the very poor and offer the advantage of an individual house, at a low rent, even though it involve the common use of yard space and closet and water conveniences.

Enough has been said about sanitation to show the great need of reform. The death rate is not the only gauge of the sanitary condition of the neighborhood. It is shown also in lowered vitality and poor health for which there are no statistical returns. The prevalence of surface drainage in Philadelphia is very imperfectly realized. Of its 1500 miles of streets, according to a Bulletin of the Department of Labor in 1901, there were in that year 419 miles that were unpaved, and 613 miles without sewers, leaving a balance of at least 193 miles of paved streets without underdrainage. In streets where drains have been laid, many houses have not been connected. The open drains still run through the great

majority of alleys, where the decaying matter stands in the gutters and when dried is scattered about by the wind. Neglected and foul privy wells are frequently found. The people are eager to tell their grievances and many are submitting patiently to intolerable conditions.

The most essential step now to be taken by the city is systematic and frequent inspection of sanitary conditions. If it is not possible to enforce underdrainage at once, such inspection would cause it to be enforced where flagrant nuisances exist, and the moral influence of an official would stimulate to better standards. The Board of Health can make but rare inspections on its own initiative and its small force of twenty inspectors of nuisances is unable to respond promptly to the numbers of complaints made to it. If this force and the force of the Bureau of Building Inspection were largely increased, with added powers, the evils of insanitary dwellings and of the evasion of the building law could be readily dealt with. There is no large city where these problems could be more easily solved.

To prove more fully the need of such measures we hope that an investigation full enough to give a comprehensive knowledge of existing conditions may soon be made. The results of such an investigation would not only promote these reforms, but would suggest other means of undoing the evils which have arisen from our long neglect and of safeguarding the future.

We have spoken thus far of the need of reform through legislation and the strengthening of the municipal departments whose work is so important in these districts. Such measures are necessary for all classes; it is for the very poor that something more is needed. The principle cannot be too strongly set forth that it is the management of the dwellings of the poor, whether they live in courts or tenements, that is to be the means of securing to them health and comfort, of giving them, in reality, homes. Miss Octavia Hill began in London in 1864 the work that was destined from the strength of its underlying principles to become a significant factor in dealing on these lines with the housing problem in Europe and also to some extent in this country.

While considering that the "spiritual elevation of a large class depends to a considerable extent on sanitary reform,"¹ Miss Hill believes also that sanitary improvement itself depends upon the

¹ "Homes of the London Poor," by Octavia Hill.

educational work among grown-up people and that this work must be effected by individual influence. It is this influence in the hands of the landlord or his representative that is so great a power, and can be used either for weal or woe.

Miss Hill's plan is not to tear down old buildings and to begin anew, but to improve existing conditions gradually as the tenants are trained gradually to appreciate and desire better things. This work is done with the assistance of large numbers of volunteer rent collectors, each one of whom is specially trained and is given a small group of tenants to care for. We quote from Miss Hill as to the duties of the collectors: "We have tried so far as possible to enlist ladies who would have an idea of how, by diligent attention to all business which devolves on a landlord, by wise rule with regard to all duties which a tenant should fulfill, by sympathetic and just decisions with a view to the common good, a high standard of management could be obtained. Repairs promptly and efficiently attended to, references carefully taken up, cleaning sedulously supervised, overcrowding put an end to, the blessing of ready money payment enforced, accounts strictly kept and, above all, tenants so sorted as to be helpful to one another." The relation thus established on a basis of mutual obligation is one of real and often enduring helpfulness, and the opportunities for service are almost unlimited.

Miss Hill's work has from the first been on a sound business basis and has given excellent financial returns. She has never formed any association of the owners of the many properties under her care, or of the workers who manage them. She has felt that the work is freer, and more real when thus untrammelled.

Many cities have followed the example of London in this plan of work. That of the Edinburgh Social Union is of unusual interest. It believes, as we must all believe, that the "immediate question to face is how to make the best of present conditions, how to raise the standard of comfort without waiting for legislative changes." Its reports tell a story of successful growth which is full of valuable and suggestive experience.

In Philadelphia the need for the extension of such work grows to us stronger and more insistent as we learn more of the neglected places of our city, of the many streets and courts which need such influences as these. We believe that this work must grow and that there will come also a more realizing sense of the responsibility of

the community for the welfare of its people. In the wise control of new building, and of the apartment houses which may be tenements in the future, by planning for wide streets and many open spaces, by the awakening of higher civic standards we shall come also to a higher social order. "Victory over evil at its source and not in its consequences; reforms which shall regard the welfare of future generations, who are the greatest number."¹

EDITOR'S NOTE.—The Octavia Hill Association is a stock company organized to improve living conditions in such neighborhoods as those described in the foregoing paper, on lines similar to the work of Miss Octavia Hill in London. Its aim is to improve old houses and small properties rather than to build new ones. It uses women rent collectors, both paid workers and volunteers. The Association was organized in 1896 and has a capital stock of \$50,000; it has paid yearly dividends of 4 per cent and 4½ per cent. Its capital is invested in houses which when purchased were typical of the classes above described. These houses have been properly altered and repaired and demonstrate the possibility of overcoming such conditions and yet receiving a fair financial return. The Association assumes also the management of property for other owners. It has seventy-seven houses now under its care, sixty-five of which are small houses for separate families, and twelve are tenements of a medium size, averaging eleven or twelve rooms each. The Association desires especially to extend its work of managing the properties of other owners, believing that the relation thus established is stronger and more enduring than where the ownership is in a company. Its directors are:

Nathaniel B. Crenshaw, President, Girard Trust Company, Broad and Chestnut streets; Miss Hannah Fox, 339 South Broad street; Mrs. William F. Jenks, 920 Clinton street; Mrs. Thomas S. Kirkbride, Secretary, 1406 Spruce street; Hector McIntosh, 605 North Sixteenth street; Miss Helen L. Parrish, 1135 Spruce street; Mrs. William M. Lybrand, 139 East Walnut Lane, Germantown; George Woodward, M. D., Chestnut Hill; C. H. Ludington, Jr., Treasurer, 425 Arch street.

¹ "Lessons from Work." (B. F. Westcott.)

The Housing Conditions in Boston

By Robert Treat Paine, Esq., Boston

THE HOUSING CONDITIONS IN BOSTON

BY ROBERT TREAT PAINE, ESQ.

Boston

The housing conditions of Boston may be studied under five aspects:

1. The growth of population compared with the increase of houses.
2. The facilities for the building of new houses by private enterprise.
3. The influence of philanthropic efforts in building model blocks and separate homes.
4. Building laws.
5. The diminution of slum conditions.

1. The following table has been prepared by Dr. E. M. Hartwell, statistician of Boston.

POPULATION AND NUMBER OF DWELLING-HOUSES WITH PER CENT OF ANNUAL INCREASE.

Year	Estimated Population.	Per Cent Increase.	Total Number of Dwelling-Houses.	Per Cent Increase.	Of those Vacant Dwellings.
1891	457,772	2.07	53,429	2.42	1 104
1892	467,260	2.07	54,853	2.67	1,269
1893	476,945	2.07	56,730	3.42	1,446
1894	486,830	2.07	58,310	2.79	1,866
1895	496,920	2.07	60,039	2.96	1,964
1896	509,102	2.45	60,278	.40	2,205
1897	521,583	2.45	61,573	2.15	2,127
1898	534,370	2.45	62,850	2.07	2,647
1899	547,470	2.45	63,890	1.65	2,902
1900	560,892	2.45	64,886	1.56	2,686
1901	573,579	2.26	65,600	1.10	2,627

In the ten years from 1891 to 1901, while the population increased from 457,772 to 573,579, or 25.3 per cent, the number of dwelling-houses increased from 53,429 to 65,600, or 22.8 per cent, not quite keeping pace; and though not a few of the new buildings

are capacious tenement houses, yet actual conditions have probably not improved. It is to be noted that 4 per cent of the dwellings are vacant.

2. The facilities for the building of new houses in the suburbs steadily increase. The suburbs of Boston are deservedly healthy and are ample for a vast population.

The President of the Boston Elevated Railway Company has furnished the following statistics, which show in the last five and ten year periods a marvelous development and explain the exodus outward from the crowded centre into happy and healthy suburban life on some of the hundred hills which make these suburbs so attractive. This outward migration shows no sign of culmination, but is still under full headway.

The running time of the cars has improved so that it now averages nine miles per hour on the whole system, against six miles or less ten years ago when horses were used, and within the last five years it has been reduced about 8 per cent. The track mileage increased from 260 miles in 1891 to 296 in 1896 and 408 in 1901. "For the year ending September 30, 1891, we ran 2,326,274 trips, 17,462,572 miles, carried 119,264,401 revenue passengers and 8,466,311 free transfer passengers. The average length of each trip at that time was 7.5 miles. Five years later we ran 2,822,142 trips, 25,841,907 miles, carried 166,862,288 revenue passengers and 17,566,361 free transfer passengers. The average length of each trip was 9.16 miles. Five years later, or for the last fiscal year, we ran 3,883,737 trips, 43,631,384 miles, carried 213,703,983 revenue passengers and 65,000,000 free transfer passengers. The length of each trip had increased to 11.23 miles."

The co-operative bank system has greatly promoted the construction and separate ownership of the modest and cosy little homes springing up so rapidly in all the suburbs of Boston. The Pioneer Bank was started in 1877, and to-day there are in Boston eighteen of these co-operative banks with a capital of \$5,029,478, nearly the whole of it loaned out on small estates. A score of years ago it was no easy matter to obtain a "building loan," but co-operative banks have perfected the system of loans to builders upon houses "in process of construction." The admirable process of small monthly payments not only educates the borrowers into habits of saving, but in a few years reduces the loan, so that the old-fashioned savings banks with their immense capital can take

up at lower rates these loans, when they are reduced to the statute limit of 60 per cent of the value of the estate. Hence it is the case that the \$5,000,000 of co-operative bank capital by no means measures the full beneficial influence of this system in the growth of suburban homes.

3. The influence of philanthropic enterprise, compared with that of private business, has been insignificant.

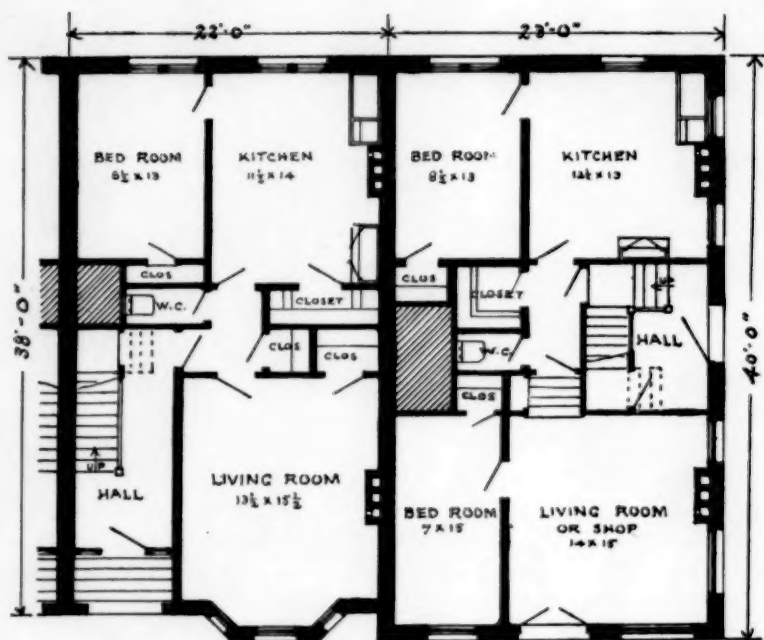
Three incorporated societies are working in a small way, the oldest, the Boston Co-operative Building Company, chartered in 1871. With a capital of \$292,000, it has about \$400,000 invested in seventy-eight houses with 985 rooms, occupied by 311 families containing 1,023 persons.

The Harrison avenue group of twenty-four three-storied brick houses—each, except the corners, arranged for three families—has attracted deserved attention, with its hollow square in the centre, tastefully arranged as a playground for the children, and a bit of beauty for the parents.

The company has just started to reproduce this hollow square on its last purchase of 33,000 feet on Massachusetts avenue. Mr. A. W. Longfellow, the architect of the Harrison avenue group, furnishes this plan of a corner and a normal interior house just completed on Massachusetts avenue, showing the latest developments of model tenement house design, and also a land plan.

The thirty-one years of life of this company show many vicissitudes; 7 per cent being earned for some years, and then from 1876 to 1889, dividends were stopped or reduced to 3 per cent and earnings were invested. Recently dividends have been 6 per cent or 5 per cent. But the capitalization of undivided profits has been so large, that it is not possible to ascertain what the just annual earnings are from year to year, and hence the educational influence is lost upon other capitalists who might be incited, by a clear and exact statement of facts, to follow the most commendable lead of this company in building the very best model tenements and having them managed by the considerate care of women agents.

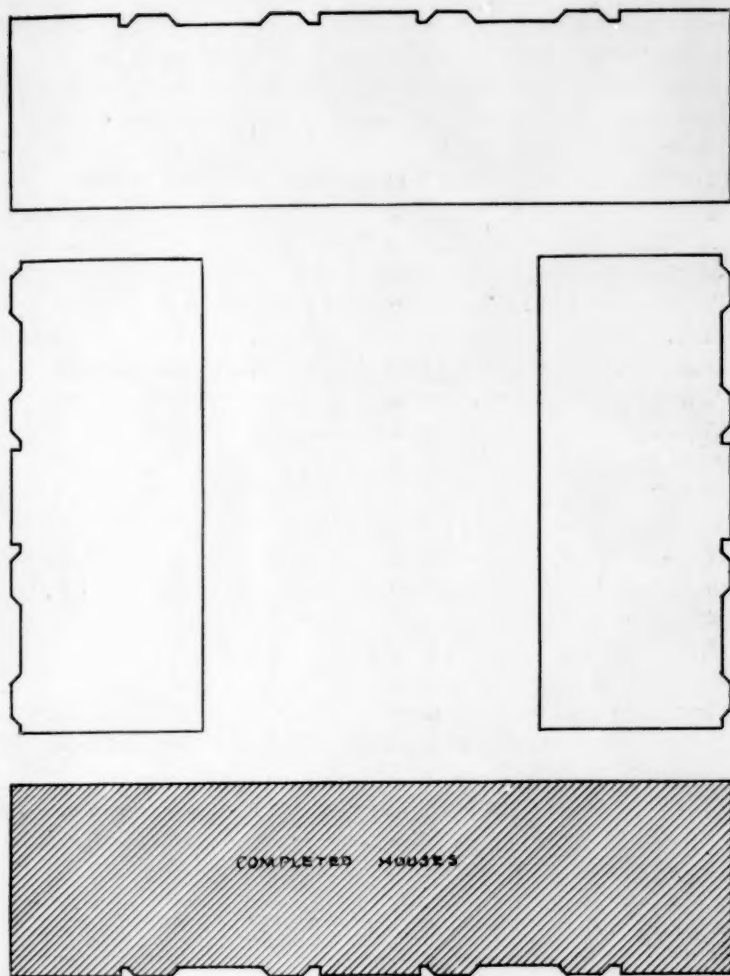
The Workingmen's Building Association was organized in 1888, to build small separate houses for sale. Its first purchase of 668,591 feet, about three miles out in Roxbury, was most successful. This tract was divided into 150 lots, averaging 4,457 feet, so that one acre has ten lots, with an estimated population of sixty to seventy souls.



SECOND FLOOR LIVING ROOM
 $11\frac{1}{2} \times 15\frac{1}{2}$ - HALL BED ROOM $9 \times 10\frac{1}{2}$

SECOND FLOOR LIVING ROOM
 $12\frac{1}{2} \times 15$ - BED ROOM $8\frac{1}{2} \times 15$

FIRST FLOOR PLAN OF TWO HOUSES OF THE
 MASSACHUSETTS AVENUE BLOCK FOR THE
 BOSTON COÖPERATIVE BUILDING COMPANY &
 A. W. LONGFELLOW - ARCHITECT -



PLAN SHOWING ARRANGEMENT OF BLOCKS ON MASS. AVE. LOT [50'x200']
AS PROPOSED FOR THE BOSTON COÖPERATIVE BUILDING COMPANY * * *
A. W. LONGFELLOW ARCHITECT. BOSTON.

The houses cost from \$1,800 to \$3,000, and were almost all for single families, total cost of a house and land varying from \$2,600 to \$4,500. They were all sold by 1894. Its next venture in Dorchester found the demand for single houses painfully reduced in the depression of the last seven years, while a marked preference shows itself for "two-family" or "three-flat" houses.

This company has not succeeded in building houses at lower cost, to its great regret.

4. The building laws of a city greatly influence results. Boston was startled by its great fire of 1872 into creating a stringent code. This was remodeled in 1885, chapter 374. After a commission had studied the subject anew, the present code was enacted in 1892, chapter 419, with subsequent amendments.

Two features are especially important: (1), the percentage of the area of a lot which may be built upon; (2), the height of the buildings and the provisions as to fire-proof construction.

The law of 1892 permitted three-quarters of the area to be covered, measuring to the middle of the streets on which the lot abuts. This proviso, however, would allow a building to cover the whole of a lot sixty feet deep on a forty-foot street. The act also required two exposures on open spaces at least ten feet wide, of an aggregate length of one foot, for every twenty-five square feet occupied by the building.

These last provisions, however, were found not to prohibit the construction of a huge four-storied tenement house on a lot forty-two feet wide and 101 feet deep, built on a dumb-bell plan, with only about two feet of open land across a part, but not the whole, of the rear. It was the erection, in 1894, of this barrack, which led many observers to doubt whether these new conditions were not worse than the old; whether these vast tenement houses, sometimes called model houses, were not far worse in many essentials for the health and welfare of their occupants than the little old houses, often built of wood, which they replaced. These views are confirmed by the deliberate judgment which Miss Octavia Hill has put on record in her valuable chapter in the second volume of Charles Booth's great work on London.

The construction of this great tenement house, with such trifling rear light, occasioned the act of 1895, chapter 239, which reduced the area to be occupied from 75 to 65 per cent, and also required an open space across the whole rear of the building, and

of a depth equal to one-half the width of the front street, not exceeding twenty feet, or an equivalent area of open space in the rear of other dimensions.

The act of 1897, chapter 413, section 9, exempts corner lots from this requirement of open rear land, and also gives the Building Commissioner discretion to accept "an equivalent area of open space in the rear or on either side of such building."

It is worthy of note that these requirements are less stringent than those in the new tenement house law, chapter 334, of 1901, for Greater New York, which limits the building to 90 per cent of a corner lot and 70 per cent of any other lot.

Secondly, the law of 1897, chapter 413, section 3, required every tenement house to be a first-class building, *i. e.*, "of fire-proof construction throughout." It was at once apprehended that this requirement, that all tenement houses must be of fire-proof construction, would stop the building of tenement houses for tenants paying moderate rents. Subsequent investigation showed, that after existing permits had been exhausted, few, if any, tenement houses were built with tenements renting at \$16 a month or less. Reaction set in, and by the act of 1900, chapter 321, the requirement of fire-proof construction was removed from tenement houses of not more than four stories and not more than fifty feet in height, but here again came a proviso limiting these houses to "two families, or less, above the second story."

This is the present tenement house law of Boston. It seriously handicaps the construction of tenement houses, but whether this is too stringent, and the influences are harmful, is not yet apparent. So far as an impulse is given to scatter the population out into the healthier suburbs and into the small, separate, detached suburban homes, each with its little plot of land, instead of the fearful overcrowding of families in the huge new tenement houses, students of the social welfare of the people must certainly rejoice.

In the old North End of Boston, where population is densest and rentals are highest, the erection of new tenement houses and the remodeling of old buildings into tenement houses are visible in many of the streets. On the other hand, in the southerly part of old Boston, such enterprise is nearly at a standstill and rents are falling, owing probably to the greater attractiveness of the neighboring suburbs.

The definition of a tenement house by the number of tenements, rather than by the number of rooms, discriminates with unintended harshness on just that class whose welfare ought especially to be studied, the very poor, the lone widow, the widower, the parent with a single child, who always find with difficulty a single spacious room, and usually pay higher rents because of the short supply of such much-needed accommodation. Twenty years ago a committee of the Associated Charities made a report to show the importance of building tenements of a single room and to call the attention of capitalists to this need. A small one-storyed house with only four rooms, adapted for the needs of four separate women, must conform to all the expensive provisions of the tenement house code.

A just and judicious amendment should define a tenement house as having more than three tenements "*and containing more than twelve rooms.*"

Workers among the poor were surprised last year at orders issuing from the Board of Health, for single tenants to vacate single rooms. Such a notice was nailed on the door of the large "square room" in the model block of the Boston Co-operative Building Company, on Canton street, occupied by a lone old woman. It is supposed that this mistaken policy has been abandoned.

A strange thing happened in 1892; the building law of that year, chapter 419, in its final section 138, repealing numerous laws, included a repeal of the health provision, 1885, chapter 382, section 4, defining for health purposes a "tenement house." So that since 1892, the Board of Health has been shorn of so much of its powers over tenement houses as depended on the definition, so carefully inserted in the health law of 1885, which has been since then the health code of Boston. Perhaps it is stranger still that no allusion can be found in the annual reports of the Board of Health, to this mysterious and probably unintended curtailment of health powers, the exact legal effect whereof no man can tell.¹

¹ The Board of Health, in their report for 1900, (p. 40) say: "A tenement house in Massachusetts is one occupied by four or more families, while in New York it is one occupied by three families which was the law in Massachusetts until the statute was amended in 1894." This sentence is rich in blunders. No amendment was made in 1894. The Health Act of 1885, chapter 382, section 4, defined a tenement house as one with "more than three families." The Act of 1889, chapter 450, section 4, changed this to "more than two families." But the whole thing was repealed by 1892, chapter 419, section 138, so that since 1892 there has been no definition at all of a tenement house in the health code of Boston.

5. A crusade for the extirpation of the slums of Boston has been waged for the last fifteen years, thus far with no great success. Housing conditions are justly to be condemned so long as old, dilapidated and unsanitary buildings are allowed to stand, often so overcrowded upon the land that sunlight and air are practically shut out. Such conditions are a disgrace to any city. They tempt the most wretched of the poor, or vicious, or criminal classes to worse degradation. The bread-winner loses his health, which is his only wealth. Children grow up in shameless loss of self-respect. Frequent visitors are physicians, police officers, and charity agents; physicians to struggle with needless disease, the police to arrest criminals created by their foul environment, and charity agents to relieve countless varieties of want caused by cruel and unjust conditions of life.

Private initiative has been struggling in these years to secure more vigorous action by the Board of Health in the destruction of the worst slums. Prof. Dwight Porter, acting under the auspices of a voluntary committee, made an investigation and "Report upon a Sanitary Inspection of Certain Tenement-house Districts in Boston," in 1888, which really started the movement.

Committees of the Associated Charities have lodged indictments against many vile slums and have been heard by the board. In 1891-2, the state caused the Bureau of Labor to make a thorough and exhaustive investigation. The report of Hon. H. G. Wadlin sets forth in two volumes the results. (22d and 23d Annual Reports of the Bureau of the Statistics of Labor. "A Tenement House Census of Boston," made pursuant to chapter 115, Resolves of 1891.)

Sanitary conditions were classified under five heads: excellent, good, fair, poor, and bad. It may be truly stated that tenements falling so low as to be classed "bad" are so intolerable as to demand most summary measures for their destruction, yet 1,346 houses were found to deserve this just but terrible condemnation (Vol. 1, P. 577).

"It may be safely assumed that whenever a tenement was designated as entirely bad as to its inside condition—that is, to be more explicit, was bad as to facilities for light and air, ventilation and cleanliness—such a tenement was unfit for human habitation. The existence of such tenements forms primarily an indictment against the landlord who is responsible for their condition. They

should either be abandoned or improved. In some cases such improvement as would render them suitable for occupancy can easily be made; in other cases, no doubt, they should be permanently abandoned." (Vol. 2, p. 417.)

"The existence of defective outside sanitary conditions is, upon the whole, *an indictment against the city*; for while some of the defects are due to unclean or poorly kept private ways and alleys, the responsibility of the city for the existence of such defects can hardly be avoided." (*Italics are the writer's.*) (Vol. 2, p. 418.)

In the reports of the Boston Board of Health no allusion is found to this fearful indictment by the authorities of the Commonwealth, or to the following municipal report.

In 1895 a special committee of the Common Council was appointed to consider what improvement could be made in the tenement districts of Boston, and what legislation was needed. They made a very brief "Partial Report" (Document 125 of 1895) from which may be quoted:—"In the North End the tenement houses are to-day a serious menace to public health. . . . The most astounding circumstance in connection with this investigation that attracted the attention of your committee is the social and financial standing of the owners of the most of these tenement houses."

In 1897 a study was made, under the direction of the Tenement House Committee of the Twentieth Century Club, of certain typical slums, and the results were published with plans of some seven areas where buildings were old, dilapidated and so overcrowded on the land, that no remedy was possible except destruction either of all or of many of the tenements. ("Some Slums in Boston," by H. K. Estabrook, May 15, 1898.)

A public hearing was granted by the Board of Health on June 27, 1898, and many competent experts and real estate owners testified to the intolerable conditions. Mayor Quincy attended the hearing and promised strong support. Commendable progress was made in vacating or destroying some of the worst slums for about three years. But the exercise of the power to "destroy" seems recently to have been paralyzed, perhaps, as a result of pending litigation.

The law grants two powers to the Board of Health to deal with these evils. Since 1850, chapter 108, tenements may be "vacated" if adjudged unfit for human habitation. This power should be exercised only after thorough investigation and on deliberate

judgment, setting forth true and sufficient causes. It may easily work grave injury to owners if exercised unjustly. Yet, when justly exercised, orders to vacate should be adhered to and not lightly rescinded because of political or other pressure. Observe that this power to vacate requires no destruction of the building and cannot justly prevent use of the vacated tenement for other fit purposes, not of human habitation.

In 1897, chapter 219, the power to destroy [the statute word is "remove"] buildings first appeared in Massachusetts. Its origin is interesting. The British "Housing of the Working Classes Act," 1890 (53-54 Vict., chapter 70), sections 30-37, is the origin, so far as I know, of this new power "to order the demolition" of a "dwelling-house" "unfit for human habitation." Section 38 enlarged this power and made it apply to "obstructive buildings," thus condemning one building because it injures another building. It is surprising that any American lawyer could suppose that such a power would be sustained in America, where the unlimited powers of the British Parliament are much curtailed by constitutional safeguards.

Yet New York soon copied this British Act (1895, chapter 567, amended by 1897, chapter 57) in shape so condensed as to make its injustice more conspicuous. This act was enforced for a few years in the city of New York, till owners of property began to defend their rights in court. The suit of *Dassori vs. the Health Department of New York* has settled that this law cannot be enforced to its full extent.

"Proof that rear tenement houses, each five stories high, lighted only from a court on the west or front from five to eleven feet wide, and a space or opening of eleven inches wide at the southeast corner of the court, and a space on the east side of eight inches filled with all sorts of filth, occupied by 115 persons, showing a death-rate almost twice the normal one, damp, filthy, infested with vermin, and filled with foul smells, and by their construction interfering with the light which would otherwise have been enjoyed by tenement houses on the front of the lots, justifies a finding that the rear tenement houses are unfit for habitation, but does not necessarily establish the fact that they are not capable of being made fit for other uses to which the owner might lawfully put them, nor does it show that the nuisance could not be abated in any other way than by their destruction.

"The owner of a tenement house cannot be compelled to submit to its destruction, if it is on his own land, merely because some building adjacent to it is, by reason of its existence, deprived of proper ventilation." (N. Y. Health Dept. *vs.* Dassori, Appellate Division Reports, Vol. 21, p. 348. October, 1897.)

Boston deserves no credit for the slovenly shape in which this faulty law was reproduced, 1897, chapter 219, closely following the language of the New York act. First the power to vacate is set forth, yet while covering the same ground as our ancient and well-tried statute (1850, chap. 108; Pub. Sts., chap. 80, sec. 24; Revised Laws, chap. 75, sec. 71), neither repeals nor amends it. Then follows the power to order "removed," *i. e.*, destroyed, a building irremediably "unfit for human habitation."

Statute 1899, chapter 222, enlarged these powers of the Board of Health so that the order may be not merely to "vacate" a building "unfit for human habitation," but to "cease to use" a building "unfit for use"; the power to order buildings destroyed remaining limited to those "unfit for human habitation."

The suit (October, 1900) of Holland *vs.* Durgin *et al.* (Board of Health) has gone on appeal to the Supreme Court. It raises interesting questions as to this last statute, its constitutionality, the lawfulness of a decree to remove, without previous notice to or opportunity to be heard by the owner, as well as the lawfulness of an order to remove stables occupied by horses and sheds only for storage as "unfit for habitation" (*sic*), the statute language being "unfit for human habitation."

The Board of Health is thus clothed with transcendent powers, whose exercise vitally affects the physical and moral welfare, especially of that large portion of the people who are lowest in the economic scale. These powers should only be lodged in the hands of men of strong character, sound judgment, sanitary experience and genuine love for the plain people. Yet the action of the Boston Board of Health has been characterized for many years past by mysterious apathy.

The law provides that the Board of Health shall make annually "a full and comprehensive statement of its acts during the year, and a review of the sanitary condition of the city," yet in the annual volumes of the last ten years the space devoted to the sanitary condition of the city has been utterly insignificant.

"To this subject, houses vacated, nearly a whole page is

devoted in the report for 1892; nearly two pages in the report for 1893; from four to six lines in each of the reports for 1894, '95, and '96; and not one word in the report for 1897. Throughout the 122 pages of this last report, this extremely important duty to vacate houses unfit for occupancy is not mentioned.

"The report for 1895 says only this: 'The number of houses which the board has ordered vacated during the year because of their unsanitary condition is 112; of this number, however, a very large per cent were put in a satisfactory condition before the expiration of the time allowed the occupants to quit the premises, and in such cases the orders were not enforced.' The report for 1896 simply quotes this one sentence, word for word—except that '121' is substituted for '112.' This one sentence, then, is the 'full and comprehensive statement' of the acts of the three years, 1895-7."

In none of these reports since 1892 "is a list given either of houses ordered vacated or of houses actually vacated, yet hundreds of other lists and tables are given, as lists of stables ordered discontinued, of passageways paved, and even of minor defects in certain houses. While in the reports of the New York Board of Health there are complete lists of houses vacated and of those demolished, in only two of our reports, those for 1892 and '93, are any of the houses ordered vacated named."

The objection of injury to tenants by the destruction of slums has no weight. The Associated Charities (Report of 1898, pp. 40-48) seized the occasion of the building of the South Station and the change in the neighborhood, in 1897-8, to cause a careful study to be made of the results upon the welfare of the twelve poorest families known to them when that sudden and forced migration occurred. "It brought out the interesting fact that in every case the condition of the family was improved by the change."

Death-rates by wards are shown in the annual report of 1901 of the Registry Department of Boston for the first time, so that it is possible to compare. The ghastly fact stands out that the death-rate in some wards is more than double what it is in the healthier wards, viz: one person dying in the year 1900 out of 39 in Ward 7, 40 in Ward 13, 41 in Ward 6, and 42 in Ward 5, contrasted with one in 81 in Ward 25, 72 in Ward 24, 71 in Ward 23, 69 in Ward 20 (p. 5).

Now that this table proves how the murder of the innocents

goes on, the public conscience should be aroused. Statisticians will also tell us that the ratio of sickness keeps pace with the ratio of death, so that sickness among the poor, with its train of evils, is twofold more than good sanitary conditions should tolerate.

The model buildings of London have told the world what a powerful influence upon the length of life (and of course upon the amount of sickness) of their occupants is exerted by healthy homes. The Peabody buildings with a population of about 20,000 show a death-rate of about 1 in 71; and the Waterlow buildings, with 30,000 tenants, about 1 in 100, while the rate of all London is about 1 in 57. In Boston, 1 out of 48 dies yearly.

A Tenement House Commission will probably be appointed by the Mayor this year, to consider and report upon existing conditions and possible improvement.

On the whole, the outlook is full of hope. Vigilance and vigorous action are demanded of all municipal authorities. Public interest is aroused. The action of other cities in Great Britain as well as in New York and other American cities warns Boston not to fall behind in this movement, which will surely give to us and our children a healthier city for the homes of the plain people, with its plague spots extirpated, and an increasing proportion of the population living out in suburban homes in this city of unsurpassed suburban beauty.

Housing Conditions in Jersey City

By Mary Buell Sayles, Fellow of the College Settlements
Association

HOUSING CONDITIONS IN JERSEY CITY

By MARY BUELL SAYLES

Fellow of the College Settlements Association

The housing of the working people in Jersey City presents few striking or distinctive features. There are in the crowded parts of the city no such alley-intersected or narrow back street districts as are found in certain sections of Chicago and Philadelphia; there is no block which presents such conspicuously bad conditions of overcrowded land areas, and consequently deficient lighting and ventilation, as prevail throughout the newer tenement house districts of New York. None the less the evils of construction of sanitary neglect and of overcrowded living quarters, which have been brought to light in the recently completed investigation upon which the present article is based, are of a character both to claim the interest of specialists and to compel the attention of citizens.

In his report on housing conditions and tenement laws in leading American cities, Mr. Veiller, then secretary of the New York Tenement House Commission of 1900, notes but four cities, out of the twenty-seven which he discusses, as having a tenement house problem. Among these is Jersey City. Yet compared with the situation in New York, the Jersey City tenement house problem is still in its early stages. The great mass of the working class population is housed either in converted dwellings or in tenement houses of the primitive type commonly erected here, as in Manhattan, twenty to forty years ago; and these two classes of houses, which in the great city have been rapidly giving way, during the last generation, before the onslaught of the dumb-bell tenement with its characteristic eighteen-inch wide air-shaft and overcrowded lot, in the smaller city show few signs of a similar yielding of place. Very few tenements are at present in process of erection, and so few built within the last five or even ten years were found in the districts investigated, that it is difficult to speak with certainty of present tendencies in construction. It is, therefore, chiefly to evils long fixed upon the community and grown so familiar as to be generally overlooked, that attention has been directed—evils none the less serious for this fact, and all the more difficult to eradicate.

The investigation upon which, as has been said, the present paper is based, was necessarily very limited in scope, as it was undertaken single-handed and, under the conditions of the College Settlements Association fellowship, confined to a single academic year. Five hundred houses having been decided upon as a reasonable estimate of the field which could and should be covered, three districts were selected as representative both of the worst and—hardly less important—of average housing conditions. Seventeen blocks in all were investigated. Of these the investigation of the first was largely experimental, as it was undertaken before the printing of the regular schedules used later on, and its results, though hardly less complete than those afterwards obtained, are not in all respects uniform with them, and have therefore, for the present, been set aside. It is then with the returns from sixteen blocks, consisting of the records of five hundred and four houses,¹ and of two thousand one hundred and fifty-four apartments,² that we shall deal in this paper.³

Of the three districts, the first and largest includes the eight blocks bounded by Sussex and Essex and by Van Vorst and Hudson streets, together with two others adjoining, extending between Hudson and Greene to Grand, and between Van Vorst and Warren to Dudley street. The widest range of conditions, as might be expected from its relative size, is to be found in this district. From the comfortable well-built dwellings of Sussex street, only recently converted to tenement house uses, and still in a large proportion of cases unaltered, to the four and five story brick tenements and the huddled rear houses of Morris and Essex streets, every type and grade of house is represented. The population of the district is overwhelmingly foreign. Only 18 per cent of the 1,278 families interviewed were of American stock, while in some of the blocks south of Morris street the percentage falls as low as 11 per cent.

¹ Entrance to nine houses within these blocks was prevented by owners—seven of the houses belonging to one person. While the Board of Health badge was worn by the investigator, no actual authority was conferred therewith, so that entrance to houses or apartments could not be insisted upon.

² These 2,154 apartments make up 98 per cent of all occupied apartments in the houses investigated. In the case of a few of the remaining apartments, information was refused by tenants; in most cases, however, the apartments were not investigated because tenants could not be found at home during the day, neighbors stating that they were absent regularly at work.

³ A very few apartments were occupied by two families; hence the slightly greater number of families than of apartments covered.

The foreign elements most largely represented are the Polish and Russian, who together lead with 28 per cent; the Germans who follow with 20 per cent, and the Irish with 18 per cent. Twenty other nationalities are represented, but as the most numerous, the Jewish, is represented by but thirty-two families, no one of them forms an important element numerically in the population.

The industrial attractions which have brought together this foreign population are not far to seek. The great American Sugar Refinery looms conspicuously on the southern boundary of the district; numerous other factories and workshops are interspersed through the blocks; while to the north, within a few minutes' walk, lies the Pennsylvania Railroad, and to the south, across a narrow strip of water, stretch the docks of the Central Railroad of New Jersey. The foreign population shows, as was to be expected, a heavy preponderance of factory hands, railroad employees, and longshoremen.

The second district includes the two blocks bounded by Railroad avenue and Morgan street and by Henderson and Warren streets, and another adjoining, extending between Provost and Henderson to Bay street. Bounded to the south by the Pennsylvania Railroad's elevated tracks, stretching out toward the Erie Railroad, and hedged in towards the Hudson by factories, foundries and workshops, it offers to the immigrant almost the same inducements of employment as does District I, and presents an even larger percentage of foreign-born inhabitants. Of the 506 families whose apartments were investigated, not quite 14 per cent were Americans, 42 per cent were Polish, 18 per cent Irish, 13 per cent Italians and 4 per cent Germans. Among the remaining families the Jewish lead, numbering 16.

The houses of this district correspond with the older and more neglected portion of District I, showing, however, a larger proportion of wooden buildings and a smaller proportion of high tenements.

District III, consisting of the three blocks bounded by First and Second and by Monmouth and Merseles streets, is located farther from the business centre of the city and from the water front, near the foot of the hill on which are situated most of the better-class resident districts. It lies in the heart of what is known as Little Italy—the most distinctively national section of the city, and the most dilapidated and neglected. Sixty-five per cent of the

377 families interviewed were Italians, and their manner of packing themselves solidly where once they enter into possession gives to the southern half of the district, with the blocks adjoining, an intensely foreign aspect. The remaining 35 per cent, among whom the Irish, the American with 10 per cent, and the German nationalities predominate, are interspersed chiefly on the northern side of the blocks, along Second street.

Rival attractions to the railroads, factories and docks, which claim so large a part of the population in the other two districts, are here offered by the dump-grounds adjacent. Irregular heavy laboring work is, however, the predominating occupation among the Italians, though the rag-picker and junk-dealer are frequently found, as well as the omnipresent factory hand.

So much for the characteristics of the separate districts. For the remainder of the paper, the houses will be dealt with, in the main, without regard to district lines. Some preliminary classifications may properly be given before more detailed points of construction and sanitation are taken up, or special evils pointed out.

First of all, classifying the 504 houses by materials, we find that just 55 per cent are of wood, and 45 per cent of brick—a few of the former having brick, and a few of the latter stone, fronts. If we group them by the number of stories, three-story and three-story-and-basement houses are found to lead with 54 per cent; four and four-story-and-basement houses come next with 31 per cent; 5 per cent have five stories; the remaining 10 per cent have either two stories or two stories and basement, with the exception of two houses, one and one-half stories and one-story-and-basement respectively.

Again, we may group the houses by the number of apartments contained. Houses occupied by but one family were not touched in the investigation, but sixty-three two-family houses were examined, leaving 431 houses which contain accommodations for three families or more, thus falling under the definition of a tenement house most generally accepted throughout the country. Three-apartment houses are most common, 25 per cent of the total number falling under this head; 58 per cent have from four to nine apartments; of houses containing ten apartments or more there are twenty-three, or 4 per cent.

Another significant classification of houses is that by position

on the lot. Fourteen per cent of the houses investigated are rear houses. These figures, however, give little idea of the actual aspect of things, as two blocks are without any rear houses, and six others have but one or two each, while in one block rear houses constitute no less than 40 per cent of all. These houses are seldom over three stories in height, are almost always of wood, are in general very old and frequently dilapidated.

Turning now from classifications of the houses themselves to consider the apartments they contain, we find that three-room apartments lead by a wide margin, constituting 41 per cent of the total of 2,154. Next come four-room apartments with 28 per cent; two-room apartments with 12 per cent; five-room apartments with 7 per cent; six-room apartments with 4 per cent. Of one-room apartments there is less than 1 per cent. One per cent of the apartments examined contained over six rooms.

If now, leaving these preliminary statistics, we turn to matters of greater interest, we shall find it convenient to group the chief evils found, as first, evils of construction, under which we shall speak only of the two leading faults, lack of proper provision for escape in case of fire, and inadequate lighting and ventilation; next, sanitary evils, some of which are structural and some the result of natural conditions or neglect; and lastly, evils of occupancy, chief among which is that of overcrowded apartments.

The absence of fire-escapes is perhaps the most conspicuous and glaring fault observable in the tenement houses of Jersey City. Of the twenty-four five-story buildings found, just one-half were provided with fire-escapes; while of the 155 four-story or four-story-and-basement houses, only four were so equipped. After these figures it will hardly surprise anyone to learn that in no case was a fire-escape found upon a three-story house. There are thus out of a total of 431 tenement houses, most of them three stories or more in height, but sixteen, or 3 per cent, which are provided with fire-escapes of any kind.

The character of the fire-escapes found makes them in a number of cases practically valueless. The balconies of five had wooden floors; and not only in a large proportion of cases were balconies seriously encumbered and stairway or ladder openings covered by tenants, but in two instances trap doors were regularly fitted to these openings, the owner thus encouraging the use of the balcony as a general catch-all and storage place. Furthermore,

in only three houses did all the apartments above the ground floor have access to a balcony, while in one instance, but one out of four families was provided with such means of egress. No form of fire-proof construction was anywhere found, even the dumb-waiter shafts in the higher buildings, well known to be one of the most common paths by which fire spreads, being almost without exception of wood.

In regard to lighting and ventilation, the facts are less easily grouped. The buildings being seldom of a depth to encroach seriously upon the yards, we find, with the exception of a very few of the higher houses, that nearly all of the kitchens and general living-rooms open upon the yard or street and are thus adequately lighted. In the converted dwellings, and in all houses occupied by but one family on each floor, a large proportion of bedrooms also are open to the outer air. But in the three or four story buildings erected originally for tenement uses, and furnishing accommodations for two families or more on a floor, a light bedroom is more nearly the exception than the rule. The typical interior room is lighted by a window to the outer living-room or a public hall, these windows seldom having more than five square feet of glazed surface, and more frequently an area of from three to four square feet. One thousand and eighty-four such rooms were noted in the course of the investigation; while—a still more serious evil—399 rooms were found which had no window at all, and in most cases not even a transom opening into another room.

Light and air shafts were found in only a small proportion of the tenement houses investigated; and a light and air shaft which is more than the merest travesty of its respectable name is emphatically an exception. The typical shaft is a triangular or oblong niche in the outer wall, with an area of from five to twenty square feet; an occasional variation being found in a square shaft of about the same area, let into the interior of the house and covered in most cases by a skylight. Below the top story such shafts furnish practically no light, while tenants bore almost unvarying witness that windows upon them were uniformly kept closed. A single whiff of the pent-up air within their narrow walls is quite sufficient to convince one of the wisdom of such disregard of their presence; and one feels no surprise in reading the evidence of chemists and physicians as to the positive injury to health wrought by pretended ventilation of this sort—evidence which has led to the

giving of the suggestive name of culture tubes to such shafts. Among evils of sanitation only a few of the most serious can be touched upon. Most conspicuous and widespread of all is that of the foul and ill-smelling privy vault. Seventy-five per cent of the houses investigated furnish no toilet accommodations save these objectionable structures in the yard. The vaults are in the main sewer-connected, one block and part of another in District III being the only sections in which no street sewer is laid, though unsewered vaults were found in small numbers elsewhere. But a sewer connection is in a large proportion of cases a most illusory blessing. The great mass of solid matter frequently remains after the liquids have run off to the sewer, and its decomposition renders the air of the yard, upon which the rear rooms depend, many times almost intolerable. In two cases school-sinks—modified privies, with metal vaults in which water stands—were discovered in cellars; but as the water was changed, according to the testimony of tenants, but once a week, these cannot be said to offer many advantages over the ordinary privy. Among the 368 water-closets in use in the remaining houses, the old and objectionable pan closets number sixty-one; while numerous water-closet compartments are either entirely unventilated or have windows only to halls or rooms, and in a number of cases, especially on the top floor of five-story buildings, the water-flush is wholly inadequate to cleanse the bowl.

A serious evil is also found in the location and condition of household sinks. In seventy of the houses investigated all such sinks were located in the public hall, while in fifty-five other houses sinks were so located on one or more floors. Nearly every such sink is used by two families. In one block, chosen at haphazard from those of the Italian district, sixty apartments were found whose occupants were obliged so to share their sink; while fifteen other apartments were provided with but one sink to every three or four apartments. Furthermore, eight houses were found in which, in flat defiance of a city ordinance, no water at all was furnished indoors. One row of four such houses, containing in all twenty-two apartments, was provided with but two hydrants in the common yard, one hydrant serving for ten, the other for twelve apartments.

The collection of statistics as to the plumbing of sinks was not at first attempted, but was taken up as the result of an observation

of conditions in the earlier blocks investigated. Eleven hundred and sixty-two sinks, located in four blocks of District I, and in the six blocks of Districts II and III, were examined. Of these only 10 per cent were properly trapped and vented; 68 per cent were trapped but not vented—a far from satisfactory state of affairs, especially where as in many cases traps were so small or otherwise defective as to be practically useless; 10 per cent were neither trapped nor vented, the pipes thus offering free passage to the contaminated sewer air; 12 per cent were boarded up solidly, so that the waste-pipes could not be examined—an almost sure sign that the concealed plumbing is of the oldest and worst type.

One serious element in the insanitary conditions of the districts investigated, which, unlike those just mentioned, cannot primarily be charged to the householder, is found in the character of the land upon which a large part of lower Jersey City is built. Only six of the sixteen blocks investigated are composed entirely of original solid ground. Five blocks in District I were in greater or less degree formed by the filling in of marsh land or the extension of the water front. All of District II, and nearly all of two blocks of District III, were so formed.¹

The significance of these facts appears when we realize that land so made is largely intermingled with refuse matter, and, still more important, is generally damp and is subject to periodic risings of tidewater. In a large proportion of the houses built upon such land, observations of the investigator, supplemented by the testimony of tenants, proves that the water in cellars unprotected, as are nearly all, by water-proof flooring, stands at times to a depth of several inches. Sewage is thus frequently washed back into yards and cellars, first-floor apartments are rendered damp and unhealthful, and nauseating odors suggest the serious danger to health which such a condition brings upon the entire house. Fortunately the cellar-dwelling evil is not a prevalent one in Jersey City; yet one instance is recalled where a family paying for four rooms in the basement and first floor had been obliged to vacate the lower two rooms entirely—the men of the family wading through water knee-deep to rescue the kitchen stove.

One of the most serious evils from which the poorer classes suffer is that of overcrowded apartments. As was anticipated

¹ See topographical map prepared for the National Board of Health in 1880 by Spielman & Brush. The only copy known to exist is in the Jersey City Public Library.

from the facts brought to light by investigations in other American cities, this evil was found to be most prevalent among the poorest foreign population, especially the Poles and Italians, and is largely due to the custom of taking so called boarders—really, in most cases, lodgers, who provide their own bedding and pay in the neighborhood of two dollars a month.

There are two ways of measuring overcrowding in apartments; by number of individuals per room, and by cubic air space per individual. To secure perfectly accurate results, it is of course necessary to discover just how many rooms in a given apartment are occupied for sleeping purposes and how many persons sleep in each. This may seem a simple matter, but in practice reliable results are not only very difficult, but in many cases impossible to secure, save by a night inspection. Not only must allowance be made for very general under-statement of the number of boarders taken, but in a large proportion of cases either no answers at all or wholly unsatisfactory answers can be obtained to questions as to the distribution of members of the family and of boarders at night. Under these circumstances it has seemed best, instead of attempting to state the number of individuals sleeping in each room and the precise cubic air space afforded by that room to each, to give the ratio of number of occupants to entire number of rooms in each apartment, and the cubic air space per individual afforded by that apartment as a whole. Only rough indications of the degree of overcrowding at night are of course given by this method, but it has at least the advantage of greater accuracy so far as it goes than could fairly be claimed for one seemingly more precise.

Applying the method of measurement by cubic air space to the 2,154 apartments investigated, we find that in 65 per cent of them each occupant has an allowance of 600 cubic feet of air or more. Living conditions in most of these apartments are fair, and in many good; yet some of the most disgraceful cases of overcrowding were found among them—as in one apartment, where in a single large room two little girls of about twelve years slept, together with a varying number of male boarders. The remaining 35 per cent of apartments afford less than 600 cubic feet of air space per occupant. This means in nearly all cases a serious degree of overcrowding; since if bedrooms alone are occupied at night such an allowance for the whole apartment means actually on an average less than 400 cubic feet, and often less than 300 or even 200 cubic feet for each person; while if the crowding compels the use of the kitchen for sleeping

purposes, other evils hardly less serious are added to those of limited air space. Such being the meaning of the figures given, it becomes evident that in the 199 apartments, 9 per cent of all, in which there were found to be less than 400 cubic feet of air space to each occupant in the apartment as a whole, very serious danger to health exists. It is below the limit of 400 cubic feet per adult, with a smaller allowance for children, that government interference has generally been authorized, where authorized at all; as is notably the case in Glasgow, where the law is enforced by an especially efficient system of night inspection, and among American cities in New York.

The other test of overcrowding, by ratio of number of persons to number of rooms, while a less accurate means of estimating effect on health, furnishes a more accurate indication of the relation of overcrowding to standards of decency. An example typical of many cases met with will make this distinction clear. Suppose two large high-ceiled rooms with a total cubic contents of 3,500 cubic feet, occupied by eight people. Each person has then more than the minimum of 400 cubic feet; yet the absence of any possibility of privacy or decency of living involved where men and women boarders, parents and growing children make up the eight, need not be dwelt upon. It is evident that four rooms with an aggregate contents of less than 3,200 cubic feet might be occupied by the same eight persons with perhaps greater danger to health from limited breathing space, but with certainly better opportunities for separation by sexes.

If we apply this second method of measurement, we find that in 24 per cent of the total number of apartments there are two persons or more to each room. Such apartments may fairly be classed as overcrowded; since either every room is occupied for sleeping purposes, or if one room is reserved for kitchen and living-room, the bedrooms are shared by a minimum average of two and two-thirds, three or four persons each, according as the number of rooms in the apartment is four, three or two.¹ To appreciate what this means it is of course necessary to realize that few bedrooms in such apartments contain more than 800 cubic feet, while a large proportion are dark interior rooms containing from 600 to 400 cubic feet or even less. These facts having been pointed out, it is unnecessary further to emphasize the seriousness of the state of affairs, where, as in 196 apartments, 9 per cent of the total num-

¹ Very little overcrowding was found in apartments of more than four rooms.

ber, the ratio of number of occupants to number of rooms rises as high as 2.5 or more.

Space will not permit of an extended comparison of these conditions of overcrowding with those revealed by similar investigations in other cities. It is interesting, however, to note in passing that the average number of individuals per room in the districts investigated is higher than the average number of occupants per room in the 9,859 apartments covered by the recent investigation of the City Homes Association in Chicago; the former being 1.35, and the latter 1.28 persons. While averages do not form the most satisfactory basis of comparison, a difference so marked as this unquestionably indicates a greater degree of overcrowding in the Jersey City than in the Chicago districts.

Enough has been said, it is believed, to show that serious housing problems demand solution in Jersey City. While the investigation covered the living environment of but 10,179 persons out of a total city population of 206,433, it may yet fairly claim to have some representative value. The districts investigated of course present conditions different in some respects from those of the city as a whole. Thus—to use a method of comparison too rough to have any but a suggestive value—while but 28 per cent of the total population of the city are foreigners, 84 per cent of the heads of families whose apartments were investigated are foreign-born. Along with this large proportion of the poorest foreign population go unquestionably especially bad conditions of overcrowding, and in many respects of sanitary neglect; though such is not the case with faults of housing construction pure and simple. Nevertheless the accusation that an unfairly dark and harrowing picture has been presented cannot justly be brought; since on the one hand many tenement houses of the best type were included, as is shown by a range of monthly rents between extremes of \$17 and \$3 per apartment; while on the other, large numbers of blocks as bad in character as any of those investigated could be pointed out in other parts of the city. The hope of furnishing data upon which a movement for reform might safely base its demands was the determining incentive to the investigation; but this direct practical aim has by no means obscured the sociological and scientific interests involved. If the results obtained shall on the one hand be used as a point of departure for social effort, and on the other be judged a real though small contribution to the literature of the housing problem, the ends sought will have been fully attained.

IV. The Child Labor Problem

Child Labor Legislation

By Mrs. Florence Kelley, Secretary National Consumers' League

CHILD LABOR LEGISLATION

By MRS. FLORENCE KELLEY

Secretary National Consumers' League

It is most desirable that the present widespread agitation for child labor legislation may achieve permanent results of a uniform character. Such laws as now exist are alike in no two states; they are enforced differently when they are enforced at all; they are uniform only in their failure to afford adequate protection to the rising generation of the working-class.

It is the aim of this paper to set forth some essential points of an effective child labor law efficiently enforced; for whatever the local differences of industrial conditions may be, certain fundamental needs of childhood are constant and child labor legislation must ultimately be framed with regard to these.

This fact is somewhat recognized in the statutes already enacted; for all these begin with a restriction upon the age at which the child may begin to work. This minimal age has varied from ten years to fifteen, differing in some states for boys and for girls, while the statutes prescribing it have been weakened in some states by exemptions and strengthened in others by educational requirements. The fundamental provision of all child labor legislation has always been the prohibition of work before a specified birthday.

Akin to the restriction of the age of employment is the restriction of the hours of work. The former secures to the child a fixed modicum of childhood; the latter assures to the adolescent certain leisure, all too little, for growth and development.

No one law can be selected as containing all the provisions needed or even as containing all the provisions now in force. It is not possible to say to students of the subject, "The law of Massachusetts should be copied everywhere," for the laws of Ohio and Illinois contain single provisions in advance of that of Massachusetts.

Among the best child labor laws in the United States are those of Illinois and Indiana, which are almost identical. In Illinois no child under the age of fourteen years can be legally

employed in any mine, manufacturing establishment, factory or workshop, mercantile institution, store, office, or laundry. The Indiana law adds, to the foregoing list, renovating works, bakeries and printing offices. This prohibition is absolute throughout the year, admitting no exemptions or exceptions. Herein lies the superiority of these laws. Under the New York law, children at work in stores are exempt from restrictions during half of December—from December 15 to December 31—and also during the vacations of the public schools, when they may be employed from the age of thirteen years everywhere outside of the factories, which happily they may not enter before the fourteenth birthday. This exemption in New York has been given such elastic construction that children have been employed on Saturdays and even on school-days out of school-hours.

The laws of Illinois and Indiana are humane; they set the highest age limit without exemptions yet attained; they are equitable since they place mine owners, manufacturers and merchants in the same position in relation to this particular source of cheap labor. The employment of children under fourteen years of age is prohibited to all three sets of employers alike.

Treating these laws as standard or normal, for purposes of comparison, the law of Pennsylvania, for instance, is seen to fall below, because under it children may work in certain mines at twelve years and in factories at thirteen years of age; while lowest in the scale among all the Northern and Middle states stands New Jersey, whose child labor law permits boys to work at twelve and exempts all children, on grounds of poverty, at discretion of the factory inspectors.

Exemptions.

From the foregoing brief statement it is clear that the subject of exemptions is a varied and complicated one. The most insidious form of exemption, and therefore perhaps the most dangerous, is that prescribed in the law of Wisconsin. Under it, no child may be employed under the age of fourteen years in manufacture or commerce, unless it is exempted on grounds of poverty by a judge of a local court. In practice, a judge has no time to investigate the economic condition of hundreds of families; hence he follows the recommendation of the deputy factory inspector. This over-

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worked officer is drawn away from his proper duties to perform an economic investigation for which he possesses no especial fitness. His own work suffers. Children are exempted from school attendance and permitted to work, who more than any other children in the community need education because of the poverty or shiftlessness of their parents. Too often, drunken fathers are encouraged to further drunkenness because their young children, under exemption, are earning money which the parents spend. Finally, this exemption rests upon the pernicious principle that a young child under fourteen years of age may be burdened with the support of itself or its family.

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It is not a legitimate function of the judiciary to investigate the poverty of individual families. It is not a legitimate function of the factory inspectors to investigate family life. Both officers are interrupted in the performance of their legitimate duties by every attempt to perform this alien task. Moreover, children under fourteen years of age are undesirable additions to the body of wage-earners, pressing by their competition upon the wages of their seniors and therefore tending to produce in other families the same poverty which serves as a pretext for their own exemption. The number of exempted children, under such a provision, tends to increase continuously, because greedy and pauperized parents are tempted to follow the example of the really needy, in urging applications for exemptions.

Reinforcements.

Besides being free from all the undermining effects of exemption clauses, the child labor laws of Illinois and Indiana profit by several reinforcing clauses. Chief among these is the requirement that children under sixteen years and over fourteen years must keep on file in the office of the place of employment an affidavit of the parent or guardian, stating the date and place of birth of the child. In Indiana, this must state also that the child can read and write the English language. While some parents are undoubtedly guilty of perjury, and others carelessly take the oath perfunctorily administered by a notary public, thousands of honest people are deterred by the requirement of the affidavit from sending their children to work before reaching the fourteenth birthday.

Employers must produce, on demand of factory inspectors, affidavits for all children under sixteen years of age in their employ. The penalty prescribed for failure to do this is the same as for employing a child under the age of fourteen years. The value of this provision for the protection of the children depends wholly upon the policy of the inspectors. If every failure to produce the affidavit is followed by immediate prosecution, manufacturers become extremely cautious about employing young children; children under fourteen years of age virtually cease to be employed; and the number of those employed under sixteen years of age diminishes because many employers refuse to be troubled with affidavits, inspections and prosecutions. On the other hand, employers of large numbers of children find it profitable to make one clerk responsible for the presence in the office of an affidavit for every child between the ages of fourteen and sixteen years. In these cases, the children who have affidavits acquire a slight added value, are somewhat less likely to be dismissed for trifling reasons, and become somewhat more stable in their employment.

Where, however, inspectors fear to prosecute systematically, lest they be removed from office, the provision requiring an affidavit to be produced by the employer, on demand of an inspector, is not rigorously enforced; children soon come to be employed upon their verbal assurance that they are fourteen years of age, and the protection which might be derived from this very useful reinforcing clause is lost for the children under fourteen years of age, as well as for the older ones.

A farther reinforcement of the prohibition of employment of children under fourteen years of age is the authority conferred by the Illinois law upon inspectors to demand a certificate of physical fitness for children who may seem unfit for their work. This provision enforced with energy and discretion can be made, in the case of children conspicuously undersized, largely to counteract the tendency to perjury on the part of parents, besides relieving healthy children from overstrain of many kinds. The difficulties encountered are chiefly two:—physicians grant certificates without visiting the place of employment. This occurs quite uniformly to the disgrace of the profession. Physicians also grant certificates, in many cases, without careful examination of eyes, heart, lungs and spinal column of the child, simply upon the parent's statement of pov-

erty. To make this reinforcement thoroughly effective, every factory inspection staff should include a physician, preferably two, a man and a woman, appointed expressly to follow up the children and the conditions under which they work.

Educational Tests.

Several states require that children under sixteen years of age must be able to read and write simple sentences in the English language before being employed. This is of the highest value in those states which receive large streams of immigration from Europe. In New York, every year, numbers of children are dismissed from factories by order of factory inspectors, because the children cannot read; while in Massachusetts, French Canadian children find school attendance at a high premium because of the difficulty of securing employment without it. The influence of the foreign voting constituency has defeated in several states, for several years past, the effort to secure a statutory requirement of ability to read and write English, or a specified attendance at school, as a prerequisite for work on the part of children under sixteen years of age. This is conspicuously true of Illinois, where such a provision was defeated in the legislatures of 1893, 1895 and 1897.

The most powerful reinforcement of the child labor law is a compulsory school attendance law effectively enforced. For want of this, the child labor law of Illinois suffers severely. The school attendance law requires children between the ages of eight and fourteen years to attend school sixteen weeks, of which twelve must be consecutive. Children under ten years of age must enter school in September, children under twelve years must enter school not later than New Year's. Meagre as these provisions are, they are not uniformly and effectively enforced by the local school boards; and the state factory inspectors are therefore burdened with frequent prosecutions of employers because children under fourteen years of age are sent to work by parents who should be rigorously prosecuted by the school attendance officers.

In Indiana, the reinforcement afforded by the state truancy law is of great value, for children must attend school to the age of fourteen years, throughout the term of the school district in which

they live, generous provision being made for truant officers. This difference accounts, perhaps, for the fact that Indiana has but three and one-half thousand children under the age of sixteen years at work, compared with nineteen thousand such children in Illinois; and this despite the rapid development of the "Gas Belt" in Indiana, where the temptation is very great for parents to put excessively young children to work with the help of perjured affidavits. Truant officers, watching young children, from the eighth to the fourteenth birthday, every day of the school term, are the best preventive alike of perjury by parents and of child labor. They constitute the best possible reinforcement of the child labor law.

The contrasted practice of the neighboring states of Indiana and Illinois, in this respect, is so marked that, unless the policy of Illinois be radically changed in the near future, it is reasonable to expect that, despite the excellent child labor law, the number of children at work under the age of sixteen years must continue to double at intervals of five years, as it has done in the past—the recruits being largely drawn from the ranks of the children under the legal age for work.

In Boston, the very enlightened firm of merchants known as Filene's have long made it a rule to employ no person who is not a graduate of the grammar grades of the public schools. In two cases known to the writer, girls aged respectively eighteen and sixteen years applied for work, but were not engaged because they had not completed the school requirement. They found employment elsewhere while attending the graded evening schools of Boston in preparation for service at Filene's. It is reasonable to expect that this method of securing efficient help will be increasingly followed by public-spirited employers interested in placing a premium upon school attendance, until at last legislators may feel justified in specifying some one grade of the schools below which the pupil may not leave to begin working.

The Hours of Labor.

Among the most advanced restrictions upon the hours of labor of children is that of New Jersey, which prohibits all persons, men, women and children, alike, from working in manufacturing establishments longer than fifty-five (55) hours in any week, or after one

o'clock on Saturday. This provision applies throughout the year. Massachusetts and Rhode Island prohibit the employment of women of any age and of youths under eighteen years, longer than fifty-eight hours in any week, or ten hours in one day, or after nine at night or before six in the morning.

These laws have the advantage of precision. They require that the hours of work of the persons concerned must be posted conspicuously, and that the posted hours shall constitute the working day—work beyond the posted hours constituting a violation of the law—thus rendering the enforcement of the law simple and easy.

The statute of Utah prohibits all persons from working in mines, smelters and factories longer than eight hours in one day and forty-eight hours in one week. This statute has been sustained by the Supreme Court at Washington, in the decision in the case of *Holden vs. Hardy*, 1896. It does not, at present, affect any considerable number of children, because child labor hardly exists in Utah. But with the development of manufacture, now proceeding with startling rapidity, the value of this enlightened law for the children who must inevitably find employment is quite beyond computation. And as a precedent for similar legislation elsewhere, this statute and the extremely strong decision of the Supreme Court at Washington sustaining the validity of the statute are of epoch-making importance.

Night Work of Children.

The extent to which children are employed at night is not generally recognized. In any state in which such employment is not explicitly prohibited, it is very general in all branches of industry in which children are employed by day. Glassworks, nut and bolt works, tin can factories, furniture factories, cutleries, and scores of miscellaneous industries employ boys regularly at night. Girls are regularly employed in garment and candy factories during the busy season; and in some factories this work continues all through the year, as in the cotton mills of Georgia, Alabama and the Carolinas. Wherever the prohibition is not explicit and sweeping, the night work of children is the rule, not the exception. In Illinois and Indiana boys are not prohibited from working at night, and are

regularly employed in the glassworks in both states under circumstances of great hardship. In Indiana, girls are forbidden to work after ten o'clock; but Illinois, cruelly belated in this respect, merely restricts the work of children under sixteen years of age to sixty hours in any week, and ten hours in one day, failing to proscribe night work even for girls. It is, accordingly, very common. Even in Boston, where the hours of labor of boys under eighteen years engaged in manufacture and other forms of commerce are strictly limited, a recent attempt to pass an ordinance requiring that newsboys under fourteen years of age shall not sell papers on the streets after eight o'clock at night failed utterly, and small boys are to be seen upon the streets at all hours. The place of honor in the matter of legislation prohibiting night work for children properly belongs to Ohio, which provides that minors under eighteen years of age, may not be employed after seven o'clock at night.

Children Not Yet Protected.

Large numbers of working children remain wholly unprotected by legislation. Not only have the four great cotton-manufacturing states, Georgia, Alabama and the Carolinas, defeated all bills presented to their legislatures for the purpose of protecting young children, but in the North, also, newsboys, bootblacks, peddlers, vendors and the thousands of children employed in the tenement houses of New York and Chicago, and in the sweat-shops of Philadelphia, remain wholly outside of the law's protection, so far as statutory regulation of the conditions of their work is concerned. The problem of abolishing the overwork of school children in tenement houses, under the sweating system, appears at present insoluble except by a prohibition of all tenement-house work.

Enforcement.

To secure the enforcement of child-labor legislation, there are needed factory inspectors, both men and women, equipped with ample powers and supplied with adequate funds for traveling and other expenses. These inspectors need good general education, long experience, and vigorous public opinion reinforcing their efforts. Massachusetts enjoys the unique distinction, among the

American states, of possessing a large staff of factory inspectors meeting all these requirements; and Massachusetts is, accordingly, the only state of which it may be confidently asserted that its child labor law is uniformly and effectively enforced at all times and in all its provisions. A faithful officer serving a full quarter-century at the head of the department, with subordinates equally assured of permanent tenure of office during good behavior, has been able fearlessly and intelligently to enforce the laws securing to the children of Massachusetts fourteen full years of childhood, with opportunity for school life, followed by safety of life, limb and health after entering upon the years of work.

In all the other states it is extremely difficult for an inspector who faithfully enforces the law to retain his position. The interests which oppose such legislation and object to its enforcement, are enormously powerful and are thoroughly organized. The people who procure the enactment of child labor laws are usually working people unacquainted with the technical details of the work of inspection; busy in the effort to earn their own living; not able to keep vigilant watch upon the work of the inspectors, the creation of whose office they achieve. Thus the officials are subjected to pressure in one direction only. If they are idly passive, they may be allowed to vegetate in office several years. If they are aggressively faithful to the oath of office, enforcing the law by prosecuting offenders against its provisions, the children who profit by this are unable to reward their benefactors; the working people who obtained the creation of the office have no arts of bringing pressure to bear effectively to reward faithfulness in public service by appointed officers; while the offending employers are amply able to punish what they decry as officious overactivity, if they do not go farther and charge persecution and blackmail. For these reasons it may almost be stated as a general proposition that the more lax the officer, the longer his term of office; and the history of the departments of factory inspection, the country over, sadly substantiates the statement.

The recent startling revelations of non-enforcement of the laws intended to protect young children from exhausting overwork in the glass factories in New Jersey merely intimate what will be found true in every state in which there is not a powerfully organized, compact body of public opinion alert to insist upon the retention

of competent officers, the removal of incompetent ones, and the uniform, consistent enforcement of all the provisions of the child labor laws.

To form in every state, among the purchasers of the products of manufacture, a body of alert, enlightened public opinion, keen to watch the officers to whom is entrusted the duty of enforcing child labor laws, rewarding with support and appreciation faithful officials and calling attention to derelictions from duty on the part of the mere politicians among them, this is an important part of the duty of the National Consumers' League.

Child Labor in the Department Store

By Franklin N. Brewer, General Manager Wanamaker Store,
Philadelphia

CHILD LABOR IN THE DEPARTMENT STORE

By FRANKLIN N. BREWER

General Manager Wanamaker Store, Philadelphia

The topic assigned me, "Child Labor in (so-called) Department Stores," interests us, I take it, from but one point of view: that of the education and development of the child into the man or woman who shall contribute and receive a normal share of the world's good growth in life, liberty and happiness.

I cannot claim comprehensive thought or research, under this topic, and my paper must be the brief and superficial one of a man whose too short days are full of the work of the builder rather than the study of the architect.

If my coming before you is justified at all, it must be by the simple statement I am able to make of how one establishment,¹ a typical one of the class under consideration, is trying to meet its responsibility for its children.

First entrance into the employ of this house is, to the extent possible, with a clear understanding between parent, or guardian, and the employer, that the child's business career shall continue with the same house, at least until maturity in years and efficiency in some distinct branch of the business shall have been reached.

Following our State law, thirteen years is the minimum age. The smaller boys begin as "cash boys." Girls are not given this work, positions of less freedom being considered safer for them. The girls up to, usually, seventeen years of age, and the boys, other than cash boys, usually, from sixteen to eighteen, are engaged directly in the general corps of the junior employees—we call it "The Cadet Corps"—and into this corps the cash boys come by promotion. Except at Christmas, the cash boys will average two hundred in number; the cadets four hundred, of whom about one hundred are girls. These six hundred young people are assigned to duty in the various departments and divisions of the business, according to natural aptitude and fitness, and are under the direction of their respective department or section heads; but always, also, and until graduation from the Cadet Corps, they are under

¹ John Wanamaker's Store, of which Mr. Brewer is General Manager [Editor].

the care and discipline of the chief of the corps and a lady assistant. The young people are not lost sight of individually, but are known and studied by the managers with view to advancement according to capacity and natural abilities.

Cultivation of good manners, neatness, elevated personal habits, the general requirements of the store service, lessons from their individual experiences, etc., are considered with them individually and at general meetings, and are emphasized by a system of monthly averages bearing upon questions of promotion and increase of salary. To illustrate: Each of the smaller boys (the cash boys) has his record card which he must carry for a month. It is no small departure from small-boy nature, simply to have and hold this card during a month without a forbidden accumulation of dirt and damage upon it. One of the early signs of progress, after the adoption of this feature of our plan, was an increased average whiteness and remaining area in the cards surrendered at the month's end. This card epitomizes the boy's early business life and he reverences it and guards it. On one side are rules to be committed to memory, but this is merely incidental. The other is the serious side, where an array of spaces gradually fill up, like the rising of the tide. Weekly ratings by his section manager for neatness, promptness, truthfulness, etc.; a weekly rating at morning "inspection," by his general chief; daily strokes of the pencil (if occasion require) for misconduct or neglect of duty—"blueies" the boys call these latter marks and there is no levity or disrespect in the term. Protest against what is felt to be an undeserved "blueie" is made to his chief, or even to the general manager, with all the earnestness of an appeal to the Supreme Court, and, needless to say, such appeals are patiently entertained and decided with honest effort after justice. Upon these cards, also, are entered the monthly figures given for the boys' school-work. The average of all the ratings is the "store average" and the misconduct marks ("blueies") reckon so much off. The card goes home for inspection and signing by parent or guardian. Upon the "store average" depend increase of salary and promotion. If advance in salary is not won reasonably soon (six weeks or two months usually bring the first upward step) the conclusion is apt to be reached that the boy is unfitted for our service and he is dropped from the ranks. The simple expedient of these cards, and that which they represent, secures

in discipline what the harsh word and impulsive discharge never could secure, and a month or two bring about in the little "raw recruit" a surprising improvement.

I mention these details as illustrative of the spirit, character and thoroughness with which, to the best of our ability, the problems of the discipline and development of our young people are met, along their whole course from first entrance into the business up to graduation into the ranks of men and women. And this line of procedure is simple recognition of the fact that these are children still, whose characters are forming, and that faults and defects, which in man or woman might require discharge, in the child simply demand correction.

The boys above the cash boy grade, and the girls, are placed, as early as wisely possible (depending upon their own developing tendencies and the business conditions), where some distinct branch of the business, or class of merchandise, will be learned thoroughly. Stock boy, salesman, stock-head, buyer's assistant, is the usual line of advancement in merchandising. Development in clerical lines makes the bookkeeper, the auditor, the office assistant, the stenographer. In trades lines grow up among us, the milliner, the dressmaker, the paper shade and flower worker, the plate engraver and printer, the designer, draughtsman, decorator, show-card painter, the mechanic in repair of bicycles, dolls, and so on. Exceedingly numerous and varied are the paths open, and in so far as possible an early and definite selection and patient reasonable progress along some one of these paths are insisted upon. Meanwhile salaries are advanced systematically according to a minimum scale which is increased as progress above the average and promotion to higher duties may mark the course of the individual.

Does the program, thus far, sound too serious and strict for normal happiness and hopefulness in the children? See our young people and you will find the reverse to be true. Granted a child, normal in body and mind, happily busy and interested in duties of genuine importance to and among other busy people, and the question of training in the business proper answers itself: the child learns, absorbs, grows by the easy process of nature. His capital knowledge, as a business man, becomes to him like the mud on the carpet at Willie's home: "I didn't bring it into the house, mamma; it just stuck to my shoes and came in itself." But the

youthful business students of to-day require for normal development more than the round of duty of a succession of business days in a fixed place can supply, and more than the average home and home circle of friends and interests of the working boy or girl do supply.

And so we have found it practicable to bring into the business lives of our young people most of the activities usual in the schools. The smaller boys are organized into school and military companies. Each company assembles in the school-rooms, on the fifth floor of the store building, two mornings in the week, where regular instruction is given in arithmetic, grammar, spelling, writing, composition and singing. On two other mornings they have the setting-up exercises and drill of the school of the soldier, with some other physical culture features. The boys elect their own military officers, save, of course, their chief, and these officers become successful disciplinarian, retaining well the respect and obedience of their companies. A very successful fife, bugle and drum corps, composed of the boys themselves, is a feature of this branch of their organization. As fairly indicating the standard of these special activities, let me mention here that this fife, bugle and drum corps has twice marched at the head of the combined Boys' Brigades of Philadelphia, and has been pronounced the best junior organization of the sort in the city.

Our girls have their school organization, also, each division having two mornings in the week. The branches taught are those above mentioned and also business correspondence, stenography and typewriting, and bookkeeping. Attention is given to singing and physical culture, while an elocution class and a mandolin club are successful outgrowths of this branch of the store school.

The older boys, in number about three hundred, have supper in the store and remain for their school, two evenings in a week. The branches taught are arithmetic, spelling, writing, commercial correspondence, English, stenography, bookkeeping, metric system, mechanical and free-hand drawing, rapid calculation. Military and gymnastic training are given, and as outgrowths of the school are a club for debate and literary exercises, an orchestra, a field music band, a mandolin club, a glee club, an elocution and dramatic class, and a minstrel troupe. Monthly report of the standing and progress of each pupil is made to the parents.

Each of these three branches of the store school has its sepa-

rate annual commencement exercises conducted similarly to those of other schools and not falling below the latter in general merit. Association Hall has been used in later years for this purpose, but is now much too small for the gathering of the parents and friends interested. Certificates (they call them diplomas) are given to the graduates, but these papers have double significance. They testify to the attainment of a certain standard in the school-work proper and also to the actual number of years of satisfactory service in the business, with promotion from the Cadet Corps to a position in the regular ranks of some one of the store departments—equivalent to a stepping out of the ranks of the business boy or girl into those of the business man or woman.

These graduates have organized themselves into Alumni and Alumnae Associations and maintain their fellowship, principally in social, but partly in educative work. The school button or pin and the alumni pin prove that these young folks are quite as human as those of other schools and colleges. The standard of class-work done, while perhaps less in quantity for the same length of time, does not, in quality, seem to fall below the standard of other schools. The business training, the business authority and the fact that excellence in school-work is also an important element in business promotion, all give the teacher an advantage, and the scholar an incentive greater than in ordinary schools, and these substantially offset the disadvantage of shorter class-hours. With justifiable pride we call the schools, collectively, the "J. W. C. I.," "John Wanamaker Commercial Institute." The "Junior Savings Fund" is another feature of the young people's organizations of the store, largely taken advantage of and helpfully stimulating to habits of care with money. A summer camp, the outfit for which is owned by the boys, provides for the vacation of many.

The results are very manifest. Jacob Riis says, "the small boy is a boiler with steam up all the time, and if authority sits on the safety-valve there is bound to be an explosion." We have but few explosions. There is so much of varied and interesting demand upon his activities that our future business man has but little time to scheme out mischief and practically no surplus steam to explode. The incentive to faithful doing of his best is strong. Participation in the actual work of the business daily is the broadest end of school-work. Beginning early and with awakening *interest* and ambition, the children are in less danger of developing wrong habits,

temptation to dishonesty, a sullen or resistful spirit toward those in control, and many another cause by which a naturally well-equipped child fails to fulfill the promise of his childhood.

While children here are children still, yet I know not of an equal number of young people gathered together with an equal standard in present character and ability and promise of future success and usefulness. As would be supposed, such care in the early training of the young people necessarily and naturally carries with it the advancing of these people as the years go on, so that what is practically a system of civil service promotion has resulted, and the higher positions are continually filling with those who have grown up in the business from childhood.

To be sure, it often happens that a young man, having made himself fit for a larger position than is open to him at the time in this his business home, goes out with our approval to some other establishment which needs a chief and bids for him, but, on the other hand, it is true that no young man or woman, having won a foothold in the regular store service and continuing faithfully to do his or her best, need look elsewhere for advancement or a business future.

Sometimes these changes to other service are invited before we think the young man or woman fully qualified, and in any case much is risked in the search elsewhere for sudden and uncertain advancement.

From these conditions develop three important features of modern business life: First: A fair equivalent for the apprentice system still so strong in the Old World, and for want of which our young business men and mechanics have suffered in comparison with Old World competitors, in point of thoroughness and detail knowledge; second: civil service promotion; and third: service and disability pension.

May I presume further upon your patience with an additional question or two? Are we prepared to say that better results than these I have tried to indicate are observable in those trained solely in academic courses? It is too large a question for me to attempt to answer. An answer is, however, suggested by R. T. Crane in a pamphlet issued in 1901 in Chicago, entitled "An Investigation as to the Utility of Academic Education for Young Men Who Have to Earn Their Own Living and Who Expect to Pursue a Commercial Life." Mr. Crane comes, among other conclusions, to this: "The

truth of the matter is that, when it comes to considering an applicant for a position, few of these gentlemen (employers in various lines) will be found to pay any attention to the amount of knowledge he may have of Greek, Latin, literature, etc., or care a straw about the mental drill and discipline or the well-rounded character that he may have acquired through a course at college. What they are particularly interested in knowing is whether he understands their business and can promote it. This is all that has any weight with them in the selection of help."

And further, "The great majority of our strongest and most successful men in the country to-day came from farms and villages and obtained very little education. . . . In my opinion, few of them would have been anywhere near so successful in business had they gone to college, for their success was largely due to the fact, which was impressed upon them in the early part of their career, that they would have to struggle if they expected to succeed.

"I feel quite sure that if the men who have been successful in business were asked whether they regretted starting in business at the time they did, in place of going to college and taking the chances of afterward being able to gain the success which they have achieved, all would answer in the negative. . . . I think it can be safely said that the great men at the head of our railroads are the strongest business men the world has ever produced, and so far as I have been able to ascertain, not one of them is a consistent believer in college education.

"Certainly none of them have expressed in their letters any regret on account of not having received such education themselves.

"On the contrary, Mr. Roswell Miller remarks that he spent one year in college, and considers it fortunate that he did not spend more."

Without depreciating the value of a college course, our business experience tends to the conclusion that men and women trained up from youth in the business are the most successful; that length of service, with its unconscious absorption of and self-adjustment to the principles and needs of the business, will carry a given degree of natural capacity to a higher point of efficiency and success than an originally greater degree of capacity will be likely to reach by the shorter road of business training begun in maturer years.

I am aware that business success is but a partial test of true education, and my mark is missed if I seem to have set up that as my test alone. Perhaps from the unfavorable conditions of child labor in the past, has arisen the assumption that to work for wages in early years is necessarily a misfortune to the child, and, until now at least, the instinctive choice of parents is for long years in the schools. But as time brings to working men and women improved conditions, shortened hours, higher standards of intelligence, increased rate of earnings, may not a proportionate bettering for the child bring conditions so normal, to the best education and development, as that labor in the real world of business or trade will accomplish more, and more desirably, for the child that which is striven for in business and trades courses of the schools?

Modern educational methods have carried much of the shop and counting-house into the school-room, while but little in the reverse order has been accomplished, at least in this country. Pennsylvania State law has done little more for the child than to forbid his being employed in manufacturing or mercantile establishments before the age of thirteen, and thereafter to surround his employment with some safeguards against danger to life or limb. But considerably greater progress has been made in Germany. Some present here will recall a paper read in this room by our Consul at Chemnitz, the Hon. J. C. Monaghan, on "Industrial Education, a German Example." Mr. Monaghan tells of industrial schools established in manufacturing districts for the benefit of the workers of the factories, where the law requires so many hours in the week to be spent in these schools by the younger employees, who thus combine the practical of their business with the theoretical of their school. I quote from Mr. Monaghan: "I have had exceptional opportunities during three periods, since the war of 1870, of investigating the industrial progress of Germany, and to make what might easily be a long story short, I may say it is due mainly to education. When you are building a house, you begin with the foundations. When you are building up a man, you begin with the child. Germany a century ago, after its exhaustion and humiliation caused by the great wars, fixed the foundation of its new life and development on the rock of education. The country was poor, its people could only exist by hard work, and their education was organized so as to help them with their work. . . . Germany has a system of further-developing schools, and indus-

trial art schools, so close to the people that they aid the trades and industries in such a way as to commend themselves to all parties concerned therewith. Education in Germany is compulsory. After graduating from the public schools (or leaving the public school, for reference here is to the lower grade schools which boys leave at fourteen or fifteen for work, as they do with us at thirteen) and entering upon an employment, they are not only expected but compelled to attend these further-developing schools for a period of three years. They go two or three times each week, sometimes on Sunday. They are developing the scientific side, if one may put it thus, of the trade or business with which they are connected." Here, then, is the child at work and yet the school brought to him. But a step further brings to him also those branches of study usually associated with the school alone and suggested more by the liberal than the strictly business and trade view of education. Instead, then, of commercial and mechanical work in the school of the schools, we have school-work in the school of actual commerce and industry, in the store and factory.

And shall we say that this reversal of the older plan may not have a wise and lasting place in educational life?

Is the labor of the store, shop or office more truly educative when imitated in the class-rooms of commercial and trade schools, than when done in course of actual business? Do not the labor and experiences of business life, with their real responsibilities, their unartificial rewards and retributions, their contact with men in real life, do all the former can do and much more? Certainly the real thing done in business or shop, and shaped and regulated to serve the ends of the world's actual economic life, must have an educative advantage above the like thing theorized over in the school-room; while of unquestionably great value is that further reward which the school of actual business gives to its pupils, namely—a knowledge of men and affairs, confidence, judgment, association with practical workers at the centre of the world's daily life.

Keep the children young, we are tempted to say as we see them in our own home circles. A dangerous plan! Rather, let the children learn what they must, of the best masters, and as their years are able! So wise and devoted a parent as Lord Chesterfield wrote his young son: "Do not imagine that the knowledge, which I so much commend to you, is confined to books, pleasing,

useful, and necessary as that knowledge is; but I comprehend in it the great knowledge of the world, still more necessary than that of books. The knowledge of the world is only to be acquired in the world, and not in a closet." "Happy the man who, with a certain fund of parts and knowledge, gets acquainted with the world early enough to make it his bubble, at an age when most people are the bubbles of the world, for that is the common case of youth."

If, then, the commercial and trades training, the business or manual, or whatever the course be called, can be found in actual commerce and trade; if a sufficient degree of scholastic education can there be added, and if with this the maturing man or woman shall gain a higher degree of technical skill and a safer knowledge of men and affairs, does not the plan of the school in business best meet the educational problem for at least a majority of child-kind? Answer as you may for present or future, this is true now—that child labor in the Wanamaker store means education, physical, scholastic, commercial; development in character, fitness for intelligent work, and fitting into a place in the bread-and-butter belt of the world; an open path and a helping hand to the career of the man or woman who shall add a due part to the sum of life and win the crown fashioned by the Great Father for each of us, His children, who finds his duty and does it.

DISCUSSION.

"Q. Has the store any difficulty in keeping out boys under thirteen?

"A. Practically no difficulty. I have no doubt the truth is stretched occasionally and those not yet thirteen brought in, but there must be an affidavit as to age, and few of the class of people from whom our employees are drawn are willing to swear to a lie in order to secure earlier employing of the child.

"Q. Is there a physical examination, a physician in charge?

"A. There is no physical examination other than that which the eye of the employer can give. The first weeks or months of the boy's service, or girl's, develop the fact whether physically, mentally and otherwise, the child is suited for the business.

"Q. How long has this system been in operation?

"A. I think it was six years ago that we began with the school

for cash boys. It was some two or three years before that the initial step, out of which all the rest has grown, was taken. The plan arose originally from a recognition of the fact that the young people who came into the store were not sufficiently looked after. They were apt to be lost sight of, as distributed in the various departments, and when the busy season passed and some reduction in the force became necessary, the department head was often not far-sighted enough to consider that the small boy now would be his best man in the years to come. It was the recognition of this fact that led to the beginning of the plan of which the first step was merely the placing of the smaller boys of the establishment under one head. All the other steps came one by one, as our experience led to them.

"Q. You referred to the fact that your experience had shown that college training was not useful in business career. Are there many college men in your departments, or are you able to find that out?

"A. I did not give this as our own experience and conclusion, but was quoting that of others as given in the pamphlet of Mr. Crane's, to which I referred, and which contains my answer to a letter from him. Mr. Crane sent letters to representatives of various establishments, asking that question. So far as I can recall the answer, it was that we were unable to say exactly, but taking such departments as required salesmen, bookkeepers and so on (that is, dropping out the delivery and packing rooms, where the more highly educated would naturally not be found), aggregating some five hundred and fifty men, we found twenty-six who had had either a full or partial college education. It is not our custom to inquire as to the college education. The difference in the success of the college-educated man and the one not so educated has not, in our experience, been sufficiently marked to make that a point of distinction in engaging the rank and file of our men, although in the man of college education we naturally look for quicker progress or brighter mental work."

The Necessity for Factory Legislation in the South

By Hayes Robbins, Dean, Institute of Social Economics, New York

THE NECESSITY FOR FACTORY LEGISLATION IN THE SOUTH

By HAYES ROBBINS

Dean, Institute of Social Economics, New York

The keynote that needs to be struck in the child labor matter, South or anywhere, is not "hands off," but hands on. It is fortunate for social progress that the point of view of modern economic thought has drifted so far away from the old-school doctrine of non-interference that we can take hold of a problem like this to some robust, practical purpose, without becoming intellectually disreputable; and the reason why this is fortunate is that right here factory legislation has met its bitterest opposition, ever since the first child labor act in England, in 1802.

The doctrine that cheapness is the all-sufficient goal of economic progress, the only economic fact of any possible interest or concern to the laborers, has been a corner-stone in political economy. Only within recent years has the idea begun to dawn that an adequate theory of economic welfare must include the interests of the citizen as a producer as well as a consumer; that the conditions under which the man works, and his opportunities of enjoying the fruits of his labor, are quite as vital to his happiness as the price of potatoes or beef or clothing. It is clear, now, however, that cheapness, important as it is, must come, and in the long run can only come, through more effective utilizing of natural forces, by invention and machinery, not through the overworking and social degradation of labor; and the great enlightening circumstance on this point has been the fact that the whole price-cheapening trend of our modern industrial era has come hand in hand with increasing wages, diminishing hours, and restrictions on the labor of women and children.

In respect to child labor alone, the progress of protective legislation has been extraordinary. England has had a half-time factory and school law for children of nine and over since 1844, the half-time age having since been raised to eleven; and a fourteen-year age limit for full-day work since 1874. In Germany the limit

for full-day work is fourteen years, and for any factory work at all thirteen; in Holland, Belgium, France, Austria, Norway and Sweden it is twelve; in Russia fifteen, half-time being allowed from twelve up. In Switzerland it is fourteen; in Denmark fourteen, with half-time allowed from ten up; and even in Italy child labor under nine years is absolutely prohibited.

Here in the United States, at the beginning of 1899, when the last complete compilation on the subject was made, there were limitations on child labor in thirty-four states and all the territories. To select for comparison our greatest manufacturing states, as showing most clearly the possibility of prosperity without child labor, the limit under which such labor is prohibited in Massachusetts, New York, Connecticut Illinois and Indiana is fourteen years; in Georgia no limit. In Rhode Island fifteen and Ohio fourteen, except during school vacations, and no work at all under twelve; in North Carolina no limit. In New Jersey twelve for boys and fourteen for girls; in Alabama no limit, except in mines, twelve years. In Pennsylvania thirteen; in South Carolina no limit. Happily, the tendency is moving Southward; Missouri, Maryland, Tennessee and even Louisiana now have restrictive laws; so that the section specially known as the new industrial South, the home of the Southern cotton and iron manufacturing industries, is the only place in the United States where the idea of protecting the physical, moral and educational opportunities of little children has made practically no impression in statute law.

At the outset, now, of her industrial development, the South has a unique opportunity. She can transfer to her own conditions the results of nearly all Christendom's experience in humane factory regulation, without having to suffer over again the hardships and struggles this progress has cost. I do not mean to imply that all such legislation has worked to perfection, without evasion or hardship; but the vast improvement over no legislation at all indicates the soundness of the effort and points the line of further reform. Those who have not yet even made a start ought not to be frightened out of a beginning because the others still have something more to do.

The Japanese are a case in point. They are now reported to be sending students abroad to study modern labor legislation, with the object of applying it to their own oncoming factory system at the beginning, recognizing that it is as inevitable as progress

itself. Russia, even Russia, has already done this. Surely the new South does not need to go to school in Russia and Japan.

It seems hardly necessary to prove the importance of doing something. Bare statement of the admitted fact that children of eight to twelve, and even younger, are working in the mills through the industrial South tells the story, and ought to be sufficient. Personally, I have seen the child labor system in operation in North and South Carolina, Georgia and Alabama, and gathered some vivid impressions; have seen scores of little people working in the dust and din of the spinning-rooms, seen scores of others on their way to the mills before daylight, who would not come out until after dark, the hours of labor ranging from eleven to twelve; have been in the homes of these people and learned something of how they live and the wages they receive. For example, we brought back from the South some 154 weekly pay envelopes for both adults and children, collected from operatives' families in one of the best sections, and nearly 100 of them are for less than \$1.50 each, per week, the average in most cases ranging from ten to thirty or forty cents a day; only older children earning the latter sums, however.

In other words, low as the wage-rates are, the *actual earnings*, especially of children, are much lower. This is due partly to absences, partly to constant deductions of all sorts, for faulty work, rent, money advanced, car-fare advanced to get them down from the mountains or in from the country to the mills, and what not. In forty-four out of the 154 envelopes, these deductions exactly cancel the entire amount of wages due. Let me cite three or four specimen cases, omitting names. One envelope, repeated two or three times, shows wages for the week \$1.00, rent seventy-five cents, balance twenty-five cents; another, wages \$1.20, tin cup five cents, transportation \$1.15, balance nothing; another, wages \$3.00, rent \$1.40, loan \$1.00, balance paid sixty cents; another, wages \$1.50, transportation \$1.00, balance fifty cents; and so on.

It is impossible to state with exactness the number of children under a given age, say fourteen years, employed in Southern factories. The Federal census does not cover this point, and only one Southern state of the group under consideration—North Carolina—makes any provision for collecting and publishing industrial and labor statistics. Close approximation to the facts of the general conditions, however, is not very difficult. It appears from the

latest report of Commissioner Lacy, of the North Carolina Bureau of Labor, that about 7,600 children under fourteen years of age were employed in 261 mills in that state. The Federal census bulletins on manufactures, now being issued, show the total number of employees in the cotton manufacturing industry in the five Southern states where any important amount of cotton manufacturing exists; and for North Carolina the total in 1900 was 30,273 operatives. In other words, more than one-third of the total number of operatives in the cotton mills of that state are children under fourteen years of age. In South Carolina the total number of operatives in 1900 was 30,201, in Georgia 18,348, in Alabama 8,332, in Mississippi 1,675, the total for the five states being 88,829. Estimating the same proportion of child labor throughout the entire group (and this is entirely legitimate, since North Carolina conditions are even better than in some other manufacturing sections in the South), it would appear that there are more than 22,000 children under fourteen years of age in the cotton mills of these states. On this basis, it is a conservative estimate to say that at least eight or ten thousand of these children are under twelve, while the lower extreme of the age limit is down even to the almost unbelievable point of six years; the fact being well established that children as young as six to eight and nine years are to-day working in some of the Southern mills.

Remember, along with this, the fact just observed in the case of our Northern states and European countries, where legislation on child labor exists, that fourteen years is very nearly the average age under which factory labor is prohibited altogether. In other words, the absence of any restrictions in the South means that fully one-third of all the operatives are younger than the age standard established by the forces of humanitarian opinion and wise statesmanship throughout the larger part of Christendom.

The amounts earned by the children in Southern mills would not be necessary to the support of the families under any proper system of factory regulation. The economics of the situation would inevitably take care of that. If the labor of the children is not available, the mills must employ older help, and in order to get such help must pay wages sufficient to maintain the families, including the children. This is how the matter has adjusted itself wherever child labor has been restricted, and of economic necessity it must be so. The difference in labor expense involved has never

yet been sufficient to hamper industrial activity or drive capital away from any industrial section, and, so long as competing groups are not permitted to gain a permanent advantage by the wholesale use of child labor, it never will.

The lack of restrictions on child labor makes possible also that semi-barbarous institution of night work. Where all the family work by turns in the mill, the results are shockingly demoralizing. Just as a side-light on one phase of this system, let me quote a paragraph from a discussion of factory evils in the South, just published this month, by Rev. J. A. Baldwin, of Charlotte, N. C., a special student of these problems. Where part of the family work by day and part by night, he says:

"The mother has to get up at 4:30 in the morning to get breakfast for the day hands, so they can be at the mill at six; then the night hands come and eat about seven. She has to have dinner for the day hands strictly at twelve. The night hands get up and eat from four to five, so as to be ready to go to work for the night at six; she also gives them a lunch to be eaten at midnight. Then the day hands get out at six and have supper about seven. Besides this, there is house-cleaning, washing and ironing, sewing, and often the care of little children. . . . The mills usually run sixty-six hours per week at night; that is, the operatives work twelve hours from Monday night to Friday night inclusive, and on Saturday get up about two o'clock (before they have had enough sleep) to go to work at three. They then work till nine, at night. As a matter of fact it is usually ten or eleven when they get out.

"Night work is much worse in summer than in the winter. In the winter they go to bed, cover up and sleep soundly. In summer it is difficult to sleep on account of light, heat, flies and noise. In summer, while they usually go to bed, it is a very familiar sight to see them lying across the bed with their work-clothes on, or on a pallet in the passage or on the porch. Their sleep is fitful and unsatisfying, and they never feel bright and fresh from the beginning to the end of the week. They furnish the most favorable conditions for the development of physical, intellectual and spiritual disease germs."

The children of factory families in the South to-day have no protection against this. Night work for women and children ought to be absolutely prohibited. It is, almost everywhere else, even in Russia. This would practically force either the employ-

ment of men only in night work, or else its abolition altogether. I would not deny that there may sometimes be good economic reasons for night work, at least in rush times, but it should be done by men if at all, never by women and children.

Nobody is urging any step that threatens to destroy Southern mill profits, but it must be insisted that there is another way to secure profits than the way of using child labor. Scientific improvement of industrial methods is the only sure and safe road to permanent prosperity, and it would not seem that the South has much to fear when the great bulk of the most prosperous industry in Christendom is being conducted under more or less advanced forms of factory regulation. Furthermore, nobody need or ought to urge legislation as the remedy on the ground that Southern manufacturers are all indifferent and inhumane. Legislation is urged simply because it is the most uniform and least costly method the South could of its own accord adopt. Southern manufacturers are no more types of hardhearted callousness than are manufacturers anywhere; they have all been opposed to factory legislation at one time or another, under the influence of mistaken economic doctrines. I do not know, but would risk it, that scores of Southern manufacturers would be glad to see these evils abolished in their own mills if they could do it without immediate competitive disadvantage with all the rest. Here comes in the advantage of legislation, that by establishing the same conditions and opportunities for all, it imposes no special relative handicap on any.

Moreover, and here is one of the saddest features of all, the fathers, sometimes even the mothers, are among the worst offenders in this whole matter. I have seen cases, and there are others in abundance, where the wife and children practically earn the family living in the mill, while the father thoughtfully carries in the dinner-pail at noon, perhaps working a little on odd days when he gets tired of loafing. We cannot altogether blame the manufacturers when these people are fairly urging them to take on the children in the mills; and we need to remember also that to most of these unfortunate people factory life is a distinct improvement over the log-cabin, salt pork and peach brandy, white-trash and Georgia-cracker type of life from which many of them were sifted out when the mills came. The manufacturer knows this, and it is not surprising that he should even think himself something of a philanthropist, just in furnishing mill jobs on almost

any terms. He does not see as yet that when these people drift down into the factory centres they become industrial, social and political factors in an altogether new and more serious sense than they ever could be while burrowing in the mountain sides.

To have practically all of the next generation of factory operatives growing up stunted in body and mind, and nearly all of them illiterates, in a section of the country where the general average of illiteracy is already appalling, is a matter of the gravest concern. Southern manufacturers sooner or later will have to recognize this fact, and its impending consequences. According to the 1900 census statistics just appearing, the proportion of illiteracy among males of voting age, white and black together, was, in Alabama 33.7 per cent, in Georgia 31.6 per cent, in Mississippi 33.8 per cent, in North Carolina 29.4 per cent, in South Carolina 35.1 per cent; as compared, for instance, with 6.4 per cent in Massachusetts, 6.8 per cent in Connecticut, 9.2 per cent in Rhode Island, 5.9 per cent, in New York, 6.9 per cent in New Jersey, 7.7 per cent in Pennsylvania. The South simply cannot afford to permit the processes to go on that are adding fresh groups every year to its grand total of illiterate and unfit citizens. In the face of the present situation, if a new race of degenerates, brought up in exhausting toil, dense ignorance, and exposed to all the temptations of an unprotected environment, is to be developed now in the fast-growing centres of the new South, they are certain to form a social and civic and economic menace to the community.

This will be true not only of the South; the matter is coming to have a national significance. Within the limits of any one interdependent industrial group, like the United States, there must be at least some general approach to uniformity in the working conditions of the laborers, by given lines of industries. Differences in competitive success must come from differences in managing ability, quality of plant, or natural environment, not from different standards of decency in the use of labor. If long hours and child labor become the fixed conditions of success, the whole field of competing industry must eventually come down to that basis. A competitive influence which works for the undermining of higher standards of living, wherever established, is a matter of universal concern. In a democracy, no condition is safe which offers a competitive advantage to anything that leads toward ignorant, inferior citizenship. It is not safe anywhere, whether in

Southern mill villages or Northern city slums, because to make degradation profitable in any quarter sets the current of tendency that way, with demoralizing effect.

That is why it is not meddlesome interference for American citizens not of the South to have a concern about this matter, from the broad standpoint of national welfare. The real test-point of permanent progress and prosperity, affecting the nation as well as the South, is not the size of profits in Southern mills in the next five years, large as we hope they may be through all proper means; but it is the quality of Southern citizenship in the next five generations. That citizenship is now in the making, and now is the time of times to safeguard its development. Such action will be good economics, good morals, good humanity. For the South, it is an inspiring opportunity.

Child Labor in New Jersey

**By Hugh F. Fox, President New Jersey State Board of Children's
Guardians**

CHILD LABOR IN NEW JERSEY

By HUGH F. FOX

President New Jersey State Board of Children's Guardians

For the discussion of child labor in New Jersey there are no official data in which reliance can be placed. The reports of the State Bureau of Factory Inspection are conclusive evidence of the incompetence of the inspector and his deputies. The State Charities Aid Association has recently analyzed the report of the Bureau for the year ending October 27, 1900, and has published the results in the *New Jersey Review of Charities and Corrections*,¹ and it is shown that out of a total of 6,014 factories and bakeshops which were discovered by the Bureau, no less than 1,543 were not visited at all, and yet the department reports favorably on 5,862, indicating that 1,391 were reported favorably, but not visited. According to the 1900 census, however, there were in New Jersey 8,308 factories proper (excluding hand trades), and 1,485 clothing establishments, excluding families working in the tenements. The factory inspectors also report on 1,185 bakeries, so that there appears to have been a total of 10,978 establishments which it was the duty of the inspectors to visit.

The factory inspectors found 5,968 children under sixteen in the 6,014 establishments which they reported; an average of about one child to each establishment. Of these they ordered only fifty-nine children discharged during the year. The census reports an average of 8,042 children under sixteen, employed in manufacturing establishments alone, during the year. Attention should be directed, in this connection, to the difference between the duties of a census taker and a factory inspector. The former furnishes a blank schedule to the manufacturer, which he fills out at his own discretion, without any verification on the part of the census taker. In short, the census agent takes what is given him by the employer, and his interest in the matter is entirely perfunctory. The factory inspector is, however, supposed to make his own investigation and get his own evidence, though it is generally believed that in many cases he contents himself with a visit to the office only and a

¹ Vol 1, No. 4, May, 1902.

polite exchange of social amenities with the employer. While the factory inspector is expected to take a personal interest in his figures, it involves a lot of extra work for him and serious trouble for the employer, if the latter is so thoughtless as to inconvenience him by entering into embarrassing particulars in regard to children. In some instances it is reported that the inspector apprises the factory owner of his intended visit beforehand, the children being given a holiday in honor of the occasion.

The New Jersey laws prohibit the employment of boys under twelve and girls under fourteen, "in any factory, workshop, mine or establishment where the manufacture of any goods whatever is carried on." Children between the ages of twelve and fifteen must have attended school for twelve consecutive weeks (or two terms of six consecutive weeks each) within the twelve months immediately preceding their employment. Children under fifteen must procure a certificate from their teachers giving full particulars as to attendance, etc. The report of the Department of Factory Inspection does not indicate how many of the 5,968 children, under sixteen, are over the age of fifteen, but of the total number of children, only 1,343 were required to produce school certificates. It seems hardly possible that 4,625 of the children employed were over fifteen years of age.

The inspectors have the power to prohibit overcrowding in factories and workshops, and to demand a certificate of physical fitness from some regular practicing physician in the case of minors who may seem physically unable to work. Apparently this gives the inspectors power to prohibit the employment of any girl under eighteen, or boy under twenty-one, who cannot obtain such a certificate, but it is evident from the report of 1900 that this power has not been exercised.

The law prohibits the employment of any child under sixteen "at any work dangerous to health, without a certificate of fitness from a reputable physician." The meaning of this is somewhat ambiguous. Is the physician to certify to the condition of the child or the healthiness of the occupation? Who is to decide as to whether the work is dangerous to health? The questions are, however, entirely speculative, since the factory inspectors have done nothing to indicate any anxiety to put the matter to the test. It does not seem to have occurred to the inspectors that their power to set a standard of physical fitness for children really removes

their chief difficulty. At a recent hearing before Governor Murphy, Inspector Ward pleaded that there were many difficulties in the way of enforcing the laws, his department being confronted with sworn affidavits of parents that their children were over the minimum age of twelve years, while the children themselves are taught with threats never to admit that they are under twelve years old. The test of physical fitness is really much more important than that of age, and the power to apply it gives the factory inspector the whip-hand over both the child's parent and the employer. It seems strange, however, that nothing has been done in this country to define fully the dangerous trades or occupations. The British Parliament appointed a committee some years ago on "Dangerous Trades and Diseases of Occupations."¹ The report of this committee established the fact that lead poisoning is rampant in the potteries, that phosphorus necrosis is common in the match factories, and that naphtha fumes in rubber-manufacturing results frequently in premature aging and paralysis. Among other specially unhealthy occupations may be mentioned glass-making, printing, cutlery, silk-mills, hats, pearl buttons and tobacco. What Mrs. Kelley said in 1896, at the National Conference of Charities and Correction, is equally true to-day:

"The physical condition of working children has never received attention, so far as I know, in any systematic way. There are some desultory provisions in the New York and Illinois factory laws which show there is a dim consciousness in the law-making mind that children may be put at work beyond their strength, unless there is supervision of them by some state officer. But these provisions are so loosely drawn that they are nugatory. The Illinois inspectors are urging upon the Legislature the necessity of adding to the staff a physician who shall give her whole time to the care of the children. There is, at present, no such material available as such a physician could furnish, upon the condition of the children, except the records of measurements made by two volunteer physicians for the inspectors, in 1893 and 1894, covering about 200 children, taken from the factories and workshops of Chicago. These records, published in the Factory Inspectors' Report for 1894, are startling in the proportion which they show of undersized, rachitic, consumptive children at work. They are, however, so

¹ See "The Government Factory Bill of 1900," by Gertrude M. Tuckwell, the Honorary Secretary of the Women's Trade Union League. *Fortnightly Review* for June, 1900.

limited in number that their principal value lies in indicating the wide field open for investigating the working child as compared with the school child. What they show, comparatively, is that the stature of the working child is far less, upon the average, than that of the city school child. The child study of the past ten years bears out the assertion that stature in children is indicative of general development, physical and mental."

The New Jersey Factory Inspectors have the power to call upon the public authorities to furnish truant officers, who are required to act under their direction. But this law is also a dead letter. So too is another law which was passed to regulate the sweat-shop evil, and provides that "No person, firm or corporation shall hire or employ any person to work in any room or rooms, apartment or apartments, in any tenement or dwelling-house, or building in the area of a tenement or dwelling-house, at making, in whole or in part, any coats, vests, trousers, knee pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, unless such person, firm or corporation first shall have obtained a written permit from the factory and workshop inspectors, . . . which permit may be revoked at any time that the health of the community or of those employed as aforesaid may require it, and that such permit shall not be granted until due and satisfactory inspection of the premises affected shall have been made by the said inspector." By a recent act, overcrowding in tenements or rented rooms is punishable at a fine of \$25.00. Each adult must have 300 cubic feet of air; each child under twelve, 150 feet.

Public authority is thoroughly aroused on the whole question of child labor in New Jersey, and some interesting facts are coming to light. The trades unions are taking the matter up, in several directions, and the searchlight of the press is trained on several of the leading industries—notably the glass factories of South Jersey, the silk and textile mills of Passaic county, and the various tobacco and cigar factories which are scattered over the state. It is stated that each man employed as a glassblower is required to furnish a boy as a "helper," and that a combination of the padrone system and veritable child slavery exists. Incidentally it has been developed that many boys have been placed in the families of glassblowers by private child-placing societies and orphan asylums of New Jersey and Pennsylvania. It furnishes a striking

argument for the public oversight of child-caring agencies. Here are a few letters from local cigarmakers' unions:

NO. 101, ELIZABETH.—“We have Mr. Hilson's machine cigar manufactory here, employing about 300 or 400 hands, all girls; about one-half of them are under age; our union has from time to time been obliged to see the factory inspector to remedy this evil; we informed him about a week ago that in case he further neglects his duty the Union County Trades Council and Cigar Makers' Union would be compelled to see the Governor. The leading brand they make is the “Hoffman House,” which is done up in neat boxes, and as you can readily see they are able to undersell all union goods, as the lowest price for union cigars made is \$8.00 per M., while they can furnish them with the girls working for them for \$2.50 to \$3.00.”

NO. 230, MILLVILLE.—“There is no child labor in connection with our trade in this locality. This being a strong union city we have no use for the production of child labor in our trade. This union covers Millville, Vineland, Bridgeton and Salem. No child labor in either city in connection with this trade; you will find most of the children employed are employed by the American Tobacco Company or Trust. They have a factory in Camden, N. J., this being the nearest one to this city.”

NO. 428, TRENTON.—“There is one place that employs 280, mostly children from ten years old. We had a committee last week working on the subject of child labor employed in this place known as the American Cigar Trust; they say it is safe to say that the ages won't average over fourteen. We know for a fact that their children are not allowed to say a word to one another while at work, if they do they will be discharged. They claimed at one time to have over 300 at work and have room and machinery for over a thousand, but don't seem to get them as fast as they thought. Our committee reported that some of these little tots when they came out at night actually fell down from weakness, but there seems to be no way to stop such work.

“The work that these children do costs the Trust \$2.10 per thousand for making cigars, and the low price for men is \$7.50 per thousand; the average cigarmakers will make 1500 a week of this kind of work, and three of these children with machinery make six thousand a week. You can imagine, when the Trust surely get their feet in it, what will become of cigarmaking.”

Many of the children in the glass works and in worsted mills are said to have been employed on “night shifts.” If the children in state reformatories were worked half as hard as the children in the factories, there would be a perfect storm of indignation. There is, however, a general awakening, and the leading papers in Newark, Paterson, Passaic, Hoboken, Jersey City, Trenton, Camden and other cities have taken the matter up vigorously. The Governor has announced his determination to make the inspectors devote

their entire time to their duties, in accordance with the law just passed, instead of spending their odd moments only in inspecting factories, as has been the case hitherto. Good results are already apparent, and the new inspectors in Essex and Passaic counties are making a strong effort to enforce the laws. The latter has brought suits against several employers for the recovery of the penalty imposed by the state for employing children illegally. There is ample legislation in New Jersey for the regulation of child labor, though the minimum age for boys should be raised to fourteen, and girls to fifteen. Now that the community is informed of the evil, the Legislature may be counted on to make an adequate appropriation for expenses. There ought to be a lawyer on the staff of the Department of Factory Inspection, and an effort should be made to bring the various State Boards into co-operation in the work. It seems curious that no reference has hitherto been made to child labor in any of the reports of the state and local Boards of Health and of Education; nor does the Bureau of Statistics of Labor and Industries seem to know anything of the subject. The various departments of the government seem to be so afraid of overlapping, that in this, as in other matters, they studiously ignore each other.

The "Lord bill," which was passed last session, authorizes the Governor to appoint a woman inspector, and strong pressure is being brought upon Governor Murphy to induce him to do so. The State Federation of Labor has been working for the appointment of a woman inspector since 1897. It is felt that the duties of the office involve personal qualities possessed in an eminent degree by many women, and that a good woman inspector would work a revolution in the department.

The following tables are given for purposes of comparison with other states. The school census of 1900, taken by the state, gave 457,479 children of school age, the enrollment being 322,575. The number of schoolable children is increasing from 7,000 to 10,000 per year. The "persons of school age" in the Federal census cover all from five to twenty years of age, inclusive. The total of them was 572,917 (282,180 males and 290,737 females). The particulars as to parentage are:

Born of American parents.....	271,827
Born of foreign parents in United States.....	226,566
Born in foreign lands.....	54,837
Born of colored parents.....	19,693

[U. S. Census, 1900.]

*Persons of School Age, 5 to 20 years inclusive, in New Jersey Cities of 25,000 or more.
(Showing 62.4 per cent of foreign parentage.)*

	Total.	Native Parents.	Foreign Parents.	Foreign Born.	Colored.
Atlantic City	6,782	4,089	1,265	286	1,146
Bayonne	10,626	2,812	6,289	1,426	100
Camden	22,943	13,793	6,510	1,086	1,557
Elizabeth	16,229	5,551	8,729	1,619	331
Hoboken	18,699	4,463	11,956	2,258	23
Jersey City	63,495	21,535	35,271	5,744	953
Newark	74,897	25,210	38,797	9,114	1,789
Passaic	9,274	1,653	3,934	3,553	134
Paterson	33,170	8,270	18,655	5,965	286
Trenton	22,337	10,591	8,999	2,241	508
	278,452	97,967	140,405	33,292	6,827

Notes from the Census Bulletins Nos. 88, 89, 135 and 157 for New Jersey (1900):

Total population of New Jersey 1,883,669
 This was made up as follows:
 Born of American parents 825,973
 Born of foreign parents in United States 556,294
 Born in foreign lands 430,050
 Born of colored parents 71,352

The percentage of the New Jersey population living in cities is 70.6. The states of Rhode Island, Massachusetts, Connecticut and New York are the only ones which have a larger percentage of their population in cities. In this connection it is interesting to note that New Jersey ranks sixth in the United States in the value of its manufactured products.

The average number of wage-earners employed by manufacturing establishments in New Jersey during 1900 was 241,582 (12.8 per cent of the total population), of whom 8,042 were children under sixteen years of age.

The greatest number employed at any one time during the year was 307,933, or 16.3 per cent of the total population.

The total number of manufacturing and mechanical establishments in New Jersey was 15,481. Of these, 11,115, or 71.8 per cent, were located in forty-four cities and towns. The urban establishments employed 196,901 wage-earners, or 81.5 per cent of the total number employed. The list of industries includes "hand

trades." Omitting them, the total number of manufactures proper was 8,308.

The manufacture of textiles is the most important industry in the state. Of these the silk factories employed 24,157 wage-earners out of a total of 46,932 engaged in textile work.

Foundry and machine-shop products are second, with 17,918 wage-earners.

Refining and petroleum third, with 8,288.

Tobacco has 3,595, pottery 8,117, tanning 4,178, chemicals 3,048, rubber 2,609, jewelry 2,779, sewing machines 4,701, glass 5,383.

The fifteen leading industries of the State embraced 1,780 establishments, and employed an average of 117,008 wage-earners during the year 1900.

Average number of children under sixteen years, employed in New Jersey manufactories during the year 1900 (U. S. Census Bulletin No. 157):

Boots and shoes.....	192
Brass wire.....	65
Bakeries	64
Buttons	71
Carpets	86
Clothing	191
Cotton goods.....	641
Dyeing and finishing textiles	70
Fireworks	85
Foundry and machine shops.....	212
Canning	86
Gas and lamp fixtures.....	181
Glass	850
Hardware	80
Hosiery and knit goods.....	152
Iron and steel.....	65
Linen goods.....	316
Pocket-books	60
Pottery	193
Printing	174
Roofing	74
Shirts	50
Silk	1,199
Stamped ware.....	119
Surgical appliances.....	75
Tobacco	183

Woolen goods.....	187
Worsted goods.....	456
	—
	6,177
Miscellaneous industries.....	1,865
	— 8,042

Comparison of the reports of the United States Census, and of the New Jersey Factory Inspectors, for the year 1900, in regard to children employed in certain industries in eleven cities in New Jersey:

	Census Reports.	Factory Inspectors' Reports.
Bayonne—Petroleum	21	0
Camden—Worsted goods	160	113
Elizabeth—Tobacco	0	30
“ Clothing and shirts.....	9	10
“ Sewing machines.....	0	22
Hoboken and Jersey City—Silk.....	60	60
Hoboken—Clothing	9	0
Jersey City—Clothing	3	0
“ “ Electrical apparatus.....	45	25
“ “ Printing	48	16
“ “ Soap	42	21
“ “ Tobacco	92	87
“ “ Boxes	0	44
Newark—Boots and shoes.....	108	0
“ Carpentering	65	0
“ Clothing	82	11
“ Corsets	34	17
“ Foundry and mechanical shops.....	52	0
“ Hardware	75	16
“ Jewelry	36	13
“ Leather	22	11
“ Stamped ware	116	0
“ Tobacco	19	35
“ Thread	0	100
New Brunswick—Tobacco	29	45
Orange—Hats	27	5
Passaic—Woolen goods.....	98	15
Paterson—Silk	832	504
“ Foundries.....	91	0
Trenton—Iron and steel.....	54	0
“ Potteries	118	204
“ Rubber	28	47
“ Bakeries	19	47

Child Labor in Belgium

By E. Dubois, Professor in the University of Ghent

CHILD LABOR IN BELGIUM¹

By E. DUBOIS

Professor in the University of Ghent

The industrial census of October 31, 1896, of which the complete results have just been published², furnishes the most recent and the most complete information regarding the extent of the industrial labor of children and the general conditions under which it exists.

Upon that date, out of a total of 671,596 laborers of all ages and both sexes, employed in the manufactures properly so called, and excluding the domestic workshops, there were 76,147 children less than sixteen years of age working in factories and workshops—that is to say, out of every 100 employees eleven were less than sixteen years of age.

The child labor was found principally:

- (1) In the textile industries 11,863.
- (2) In the mining industries 10,167, of whom 5,516 are employed in underground labor, and 4,651 in surface labor.
- (3) In the manufacture of clothing for men and women 9,674.
- (4) In the glass industries 4,429.

Among 4,681 establishments and contractors employing both adults and children, and having at least ten employees: 1,737 (37.1 per cent) employed less than 10 per cent of children along with adults; 1,675 (35.9 per cent) employed from 11 to 25 per cent of children along with adults; 821 (17.3 per cent) employed from 26 to 50 per cent of children along with adults; 361 (7.9 per cent) employed from 51 to 100 per cent of children along with adults; 87 (1.8 per cent) employed more than 100 per cent of children along with adults.

There are, hence, in eighty-seven establishments more children than adults. These concerns belong chiefly to the textile industries (26), to the tobacco industries (10), books (8), clothing (7), manu-

¹ Translated from the French by D. E. Martell, Ph. D., late Fellow in Romanic Languages, University of Pennsylvania.

² Eighteen volumes published by the Minister of Industry and Labor (Brussels, 1900 and 1901). We draw the greater part of these references from "General Statement of Methods and Results of the Census" (Brussels, 1902), which this publication completes.

facture of chocolate (6). One woolen mill and two dressmakers employ only children.

The statistics of the children according to age is as follows:

Number of children aged less than sixteen, 76,147—50,493 boys, 25,654 girls; number of children from fourteen to sixteen, 54,946—36,431 boys, 18,515 girls; number of children from twelve to fourteen, 20,762—13,814 boys, 6,948 girls; number of children less than twelve, 439—248 boys, 191 girls. About one-half of these children less than twelve years old belong to the manufacture of clothing (dressmakers and cutters).

The census has succeeded in determining the length of actual labor (recess deducted), for 61,652 children employed in the industrial establishments, not including the coal mines. Rather more than one-tenth of them (about 7,000) work nine hours and less. One-third (about 21,000) work about ten hours. One-third (about 19,000) work about ten and a half to eleven hours. One-fourth (about 15,000) work more than twelve hours. The days of more than eleven hours are most frequent in the textile and clothing manufactures.

Under the head of time of labor: 61,314 children (38,414 boys and 22,900 girls) work during the day only (92.99 per cent); thirty-six children (boys) work only at night (0.02 per cent), 4,611 children (4,238 boys and 373 girls) work alternately by day and night (6.99 per cent). The majority of these night laborers are employed in the glass industries, viz.: 3,262. Then comes the iron industry with 657 children, and the confectionery factories with 447.

Regarding the coal mines, the duration of labor has been determined for 9,153 children out of 10,167. Among these 9,153 children, 7,772 work during the day only (5,550 boys and 2,222 girls); 4,482 (3,281 boys and 1,201 girls) work ten hours and less; 2,855 (1,900 boys and 955 girls) work ten to ten and a half hours; 308 (246 boys and 62 girls) work ten and a half to eleven hours; 127 (123 boys and 4 girls) work more than eleven hours; 4,827 boys and 9 girls work underground. Working only at night are 1,357 boys (no girls); and in gangs 24 boys. Almost the whole number of the "underground" boys work about ten hours or less, between the descent and the ascent.

One of the great merits of the Belgian industrial census of 1896 is the particular care which was taken in gathering exact

statistics regarding the individual wages of the whole of the working population. The statistics of the wages of the Belgian workmen, by their completeness and exactness, are certainly of the best existing to-day. They have succeeded in ascertaining the wages of 70,688 young workpeople (45,577 boys and 25,111 girls).

Number of children working by the day: with wages less than 0.50 fr., 17,229 = 24.37 per cent; 7,511 boys (of which 2,844 receive no pay); 9,718 girls (of which 6,141 receive no pay); from 0.50 to 1.00 fr., 21,192 = 29.98 per cent; 12,748 boys and 8,444 girls; from 1 to 1.50 fr., 19,723 = 27.91 per cent; 15,090 boys and 4,633 girls; 1.50 fr. and over, 12,544 = 17.74 per cent; 10,228 boys and 2,316 girls.

In round figures one may say that one-fourth of these young employees earn nothing or less than 0.50 fr.; a little more than half earn from 0.50 to 1.50 fr.; and less than one-fifth earn more than 1.50 fr. In fact about two-thirds of the latter earn from 1.50 to 2 fr., and one-third from 2 to 2.50 fr. These percentages relate to the entire number of children, and would be modified somewhat if the boys and girls were considered separately. The figures also show that smaller wages are paid for female than for male labor.

The Law of December 13, 1889

The statutes affecting child labor in industrial establishments have been under consideration in Belgium since 1843. At that time an investigation conducted by the government unveiled the unfortunate and often abusive conditions under which child labor was conducted, and a scheme of very remarkable legislation was drawn up by M. Ducpetiaux, chairman of the Investigation Commission.

But this project was premature. Manchesterian ideas were still the prevalent ones in the country and with the government. Reform was still to be waited for, for almost a half-century longer, in spite of the repeated efforts of divers groups of enlightened manufacturers, of physicians, of philanthropists. All these united efforts succeeded simply in causing to be introduced into the royal decree of April 28, 1884, containing regulations concerning the working of mines, an article, No. 69, which forbade boys aged less than twelve, and girls less than fourteen, to be allowed to labor in the mines.

The industrial troubles of 1886, and the efforts of the Labor Commission instituted the same year, prepared at last the solution to the question, and led to the law of December 13, 1889, upon the labor of women, of youths and of children in industrial establishments.¹

This law placed under restrictive measures the labor of children:

- (1) In mines (coal and metal), quarries, stoneyards.
- (2) In works, mills and factories.
- (3) In establishments classified as dangerous, unhealthy or unsuitable; as well as in those where steam boilers or machine motors were used.
- (4) In harbors, terminals and stations.
- (5) In transportation by land or water.

It applied both to public and private establishments, even when they were of an educational or benevolent character. By virtue of this provision the law regulated, for example, the labor performed by children in the reform schools, in the lace-making schools, etc.

The law did not affect the family workshops, where only the members of a family are employed, under the authority of either the father, the mother, or the guardian; providing, however, that these workshops were not classed as dangerous, unhealthy or unsuitable,² or that work therein was not performed with the aid of steam boilers or machine motors.

It also did not affect, according to the admitted official interpretation, other workshops which could not be regarded as mills or factories, or which are not classed among the dangerous, unhealthy or unsuitable establishments. Hence, the greatest portion of the clothing factories, which employ a great deal of child labor, escaped the application of the law.

The principal legal provisions applying to children and youths of less than sixteen years are the following:

¹A penal law of May 28, 1888, relative to the protection of children employed in the itinerant professions, forbids the feats of strength and dangerous exercises, inhuman, or of a nature to affect the health of children and youths under eighteen, employed by those who carry on the profession of acrobats and mountebanks, etc.

²There exists a special regulation which puts under authorization and special watchfulness those industrial establishments, which, by their nature, threaten the safety, health and convenience of the public, or offer certain dangers to the health and safety of the workmen who are employed there. These establishments are known as "Classified Establishments."

(1) Prohibition to employ at labor children under twelve years of age (Art. 2).

(2) The King can prohibit, or only authorize under certain conditions, the employment of children and youths under sixteen, at labor that is beyond their strength, dangerous or unhealthful (Art. 3).

(3) The length of the working day is twelve hours at the most, divided by recesses, the total of which shall not be less than one and a half hours.

The King has the authority to regulate the length of the working day, as well as the length and the conditions of recess, in accordance with the nature of the occupations in which the children are employed, and the needs of the industries, professions or trades. (Art. 4).

(4) Night labor, that is to say, labor after nine o'clock in the evening and before five in the morning, is prohibited to children and youths under sixteen (Art. 6).

Exceptions. (a) The King can authorize the employment of children at night, at occupations which, by reason of their nature, cannot be interrupted or retarded, or which cannot be accomplished except within a definite period.

(b) As relating to labor in mines, the King can authorize night labor by a certain class of workmen more than fourteen years of age, also by male children fully twelve years old, to begin their labor at four a. m. (c) The governors of provinces, acting upon the report of the inspectors of suitable labor, can authorize night labor for children and youths, in all industries or trades, in cases of delay resulting from unavoidable necessity, or in exceptional circumstances. This authorization cannot be granted for more than two months at most; but it can be renewed. It must be approved by the Minister.

(5) Children and youths under sixteen cannot be employed at labor more than six days in the week (Art. 7). This regulation provides for the Sunday holiday, but the legislation of 1889 did not intend expressly to forbid Sunday labor. Indeed in 1889 the point was discussed whether the Belgian Constitution (Art. 15) did not oppose the legal prohibition of Sunday labor. Even to-day the question is still in controversy. Hence the law of 1889 solved the difficulty by merely forbidding children to labor more than six days in the week. In fact Sunday, the seventh day, is the day of

rest. There are, however, certain *Exceptions*: (a) As regards the industries in which labor, by reason of its nature, cannot stand either interruption or delay, the King can authorize the employment of children over fourteen, during seven days in the week, whether permanently or temporarily, or conditionally. They must, however be granted, in every case, the necessary time to devote to their religious duties once a week, as well as one complete day of rest in fourteen.

(b) In case of unavoidable necessity, the inspectors, burgomasters and governors can, with respect to the industries, authorize the employment on the seventh day of children and youths under sixteen.

(6) In order to facilitate the enforcement of these legal provisions, children and youths over sixteen must carry a memorandum book, which is to be given them gratis by the parish administration; and which must contain their Christian and surnames, date and place of their birth, their residence, and the full names with residence either of their parents or guardians. Likewise the heads of the industries, chiefs or managers, must keep a registry of the same information that appears in the memorandum books (Art. 10).

The Belgian laws, in their principal provisions which we have just examined, resemble for the most part the laws regulating child labor in other countries. But there is a gap which must have struck the reader, viz.: the absence of provisions for the education of children. Foreign laws, and notably the German, English and French laws, require that the children, whose industrial labor is effectively regulated, should devote to attendance at school the time which they do not spend in the factory or workshop. This is done in the interests of their welfare and for their intellectual and moral development. The legislator only imperfectly fulfills his mission when he confines himself to preventing and repressing the abuses of industrial labor.

This defect in the Belgian law is due to the opposition that compulsory education has met with and still meets among a notable part of the population and among the majority in Parliament.

In order that the statement of legislation may be complete, the author has collected in a table the provisions of the royal decrees which have resulted from Articles 4, 6 and 7 of the law, and which concern the determination of the duration of daily labor and the conditions of recess in a number of industries (Art. 4); the

exceptions to the prohibitions of night labor (Art. 6), and the authorizations of work on the seventh day (Art. 7). (See page 210.)

Art. 3 of the law gives the King the power to prohibit or to regulate the labor of children or youths under sixteen, in certain industries particularly unhealthful or dangerous.

The royal decrees of February 19, 1895, August 5, 1895, and April 5, 1898, have applied this legal provision in the following manner:

(1) Prohibition of labor of children and youths under sixteen in sixty-five industries, enumerated in Articles 1 and 2 of the decree of February 19, 1895. These industries are, for the most part, the chemical ones, or those which manufacture injurious products.

(2) In the lucifer-match factories:

(a) The labor of children and youths under sixteen is prohibited where paste containing white phosphorus is made, or in the factories where matches dipped in such paste are dried. Such labor is also prohibited where matches are dipped in white phosphorus.

(b) Children under fourteen may not be employed in filling boxes with white phosphorus matches (Article 3 of the royal decree of February 19, 1895).

(3) In factories where india-rubber is treated with carbon sulphuret, the presence and the labor of children and youths under sixteen are prohibited (Art. 4 of the same decree).

(4) Art. 6 enumerated a series of industries in which certain places are closed to children and youths under sixteen, because of the injurious and unhygienic character of the labor performed there. Art. 7 prohibits the admission into certain places and labor therein of children under fourteen.

(5) The royal decree of August 5, 1895, regulates the employment of children in rag-shops.

(6) Finally, by force of a royal decree of April 5, 1898 (intercalated into the decree of February 19, 1895, Art. 5) it is forbidden to employ children and youths under sixteen in all places where the treatment of hare and rabbit skins is performed; in all places where the hare and rabbit skins are prepared before the treatment; also in all processes which the skins undergo after the treatment, carrying, brushing, cutting.

In order to give a full account of the extent of the regulation of child labor in Belgium, it was necessary to consider in detail the

INDUSTRIES.	LENGTH OF LABOR AND CONDITIONS OF RECESS. (Art. 4 of the law.)	NIGHT LABOR (Authorization provided by Art. 6 of the law.)	LABOR ON THE SEVENTH DAY. (Authorization provided by Art. 7 of the law.)
I. Spinning and weaving of flax, cotton, hemp and jute (royal decree of December 26, 1892).	For children and youths of 13 to 16 years; $11\frac{1}{2}$ hours a day, 3 recesses of a total of $1\frac{1}{2}$ hours at least. The recess at mid-day to be at least 1 hour. For children of 12 to 13 years, 6 hours a day; recess $\frac{1}{4}$ hour.		
II. Woolen industry (royal decree of December 26, 1892).	For children and youths under 16: $11\frac{1}{4}$ hours a day. Recess as in No. I.		
III. Newspaper printing (royal decree of December 26, 1892).	For children and youths under 16: 10 hours a day. Several recesses with a total of $1\frac{1}{2}$ hours at least.		
IV. Art industries (royal decree of December 26, 1892).	As for No. III; but for type foundries, the labor of children under 16 is limited to 8 hours a day.		
V. Manufacture of paper, (royal decree of December 26, 1892).	For youths of 14 to 16: 10 hours a day. Length of recess: 3 recesses with a total of $1\frac{1}{2}$ hours at least. For children of 12 to 14: 6 hours a day. Recesses: one or more with a total of $\frac{1}{2}$ hour at least.	Authorization for young men of 14 to 16. The length of night labor and recesses is the same as for day labor.	

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|---|---|--|
| <p>VI. Tobacco and cigars (royal decree of December 26, 1892).</p> | <p>For youths of 14 to 16: 10 hours a day. Recesses: 3 with a total of $1\frac{1}{2}$ hours at least. For children of 12 to 14: 6 hours a day. Recesses: one or more with a total of $\frac{1}{2}$ hour at least.</p> | <p>Authorization for youths of 14 to 16. The same conditions of labor and recess as for day labor.</p> |
| <p>VII. Manufacture of sugar (royal decree of December 26, 1892).</p> | <p>For children and youths of less than 16: $10\frac{1}{2}$ hours a day. Recesses: 3 with a total of $1\frac{1}{2}$ hours at least.</p> | |
| <p>VIII. Furniture and industries pertaining to shipbuilding (royal decree of December 26, 1892).</p> | <p>For children and youths under 16: 9 hours a day during the months of October to March, and 10 hours a day during the rest of the year. Recesses: 3 with total of $1\frac{1}{2}$ hours at least. The recess at mid-day shall be 1 hour at least.</p> | |
| <p>IX. Pottery and crockery-ware (royal decree of December 26, 1892).</p> | <p>For children and youths under 16: 10 hours a day. Recess as No. VIII.</p> | |
| <p>X. Refractory products (royal decree of December 26, 1892).</p> | <p>As for No. IX.</p> | |

INDUSTRIES.	LENGTH OF LABOR AND CONDITIONS OF RECESS. (Art. 4 of the law.)	NIGHT LABOR. (Authorization provided by Art. 6 of the law.)	LABOR ON THE SEVENTH DAY. (Authorization provided by Art. 7 of the law.)
XI. Glass industry (royal decree of December 26, 1892).	As for Nos. IX and X.	Authorization of night labor, for the glass- tapping, to boys of 14 to 16. The same con- ditions of labor and re- cess as by day.	One week in every two, the boys of 14 to 16 can be employed a seventh day at the glass-tapping. On that day the actual labor must not exceed 6 hours, with a recess of $\frac{1}{2}$ hour for rest, and the time necessary for their spiritual de- votions.
XII. Lucifer matches (roy- al decree of December 26, 1892).	For children and youths under 16: $10\frac{1}{4}$ hours a day. Recesses: 3 with a total of $1\frac{1}{2}$ hours at least. One hour at mid-day. During these recesses the workmen leave the premises.		
XIII. Ship-building indus- try (royal decree of December 26, 1892).	For children and youths under 16: 8 hours a day during the months of November to February, and 10 hours the rest of the year. Re- cess: 1 hour during the first months, and $1\frac{1}{2}$ hours during the others.		
XIV. Zinc rolling mills (royal decree of De- cember 26, 1892).	Children from 12 to 14: 5 hours a day. Recess of $\frac{1}{2}$ hour at least. Youths of 14 to 16: 10 hours. Recesses with a total of $1\frac{1}{2}$ hours; noon recess at least 1 hour.	Authorization for youths of 14 to 16. The same conditions of labor and recess as by day.	
XV. Crystal and goblet fac-	For children and youths under 16,	Authorization for youths	One week in every two,

ories (royal decree of December 26, 1892)

who work at glass-making: 10 hours and 20 minutes. Recesses: 3, one of 20 minutes at least, in the morning; one of $1\frac{1}{2}$ hour at least, at noon; a third of 20 minutes at least, in the afternoon.

the youths of 14 to 16 may be employed a seventh day at the manufacture of glass tiles and other analogous labor, which settled glass demands. On that day the actual labor shall not exceed 6 hours, with a recess of $\frac{1}{2}$ hour at least, and the time necessary for their spiritual devotions shall be provided for.

XVI. Industries pertaining to clothing (1st category: hosiery, lace, embroidery, tulles and blond lace, wool-braid, etc.). (royal decree of December 26, 1892).

For children and youths under 16: 11 hours. Recesses: 3 with total of not less than $1\frac{1}{2}$ hours. The mid-day rest shall be at least 1 hour.

XVII. Industries pertaining to clothing (2d category: tanning, currying, tawing, cordwaining, hat-making, fine linen, toilet and millinery, etc., in so far as the law of December 13, 1889, applies to the establishments where these industries are performed), (royal decree of December 26, 1892).

For children and youths under 16, it must not exceed 10 hours a day. Recesses with a total of at least 1 hour. During these recesses the workmen shall be at liberty to leave the premises.

INDUSTRIES.	LENGTH OF LABOR AND CONDITIONS OF RECESS. (Art. 4 of the law.)	NIGHT LABOR. (Authorization provided by Art. 6 of the law.)	LABOR ON THE SEVENTH DAY. (Authorization provided by Art. 7 of the law.)
XVIII. Bulky mechanical construction (royal decree of December 26, 1892).	Children of 12 to 14; 10 hours. Youths of 14 to 16; 11 hours. Recesses with a total of 1 hour at least.		
XIX. Small mechanical construction (royal decree of December 26, 1892).	In a first group of industries in this branch (Table A), the length of labor of children 12 to 14 shall not exceed 10 hours. For youths of 14 to 16; 11 hours. In the trades enumerated in Tables B, C, D, children and youths of less than 16; 10 hours. Recesses with total of 1½ hours at least. One hour at noon. Free exit from the premises.		
XX. Bricks and tiles "hand-made," and other similar employments (royal decree of September 22, 1896).	Children and youths under 16; 12 hours a day. Recesses: if the actual day's labor exceeds 8 hours; 3 recesses with total of 1½ hours at least, at noon. If actual labor exceeds 6, but not 8 hours; 1 or more recesses with total of 1 hour at least. A recess of ¼ hour at least is obligatory after each 4 hours of labor.		
XXI. Window-glass industry; basin kilns; dry-	For children and youths under 16; 10½ hours. Recesses with total	Authorization for youths of 14 to 16. The same	One week in every two, youths of 14 to 16 can

ing ground; pot kilns (royal decree of December 31, 1892).

conditions of recess and labor as by day.

of 1½ hours. Each period of labor shall be followed by a complete rest of a duration double that of the labor itself.

XXII. Mining and quarrying (royal decree of March 15, 1893). N. B.—For the coal mines of Mariemont, where the organization of labor is different from that of other coal mines, the royal decree of March 15, 1893, provides a special regulation.

In underground labor, the length of stay, descent and ascent comprises, among children and male youths under 16, 10½ hours. Recess: at least ½ of the stay underground. Male children 12 years old may be employed underground after 4 a. m., under the same conditions of labor and recess. For surface labor, the length of labor for children and youths under 16 is 10½ hours. Recess, 1½ hours at least.

A. One week in every two, authorization to work a seventh day, for male youths of 14 to 16. Day's work 8 hours, less the recess of 1 hour and time for religious devotions.

B. Same authorization as for No. XXIII A.

For male youths over 14, authorization for night work. Same length and recess as by day.

XXIII. Manufacture of coke (royal decree of March 15, 1893).

A. Ovens for common coke. Children and youths under 16: 10½ hours. Recess not less than 1½ hours. The principal recess 1 hour.

B. Coke ovens for the recovery of by-products. Children and youths under 16: 10½ hours a day. Recesses with total of 1½ hours. Principal recess 1 hour.

INDUSTRIES.	LENGTH OF LABOR AND CONDITIONS OF RECESS. (Art. 4 of the law.)	NIGHT LABOR. (Authorization provided by Art. 6 of the law.)	LABOR ON THE SEVENTH DAY. (Authorization provided by Art. 7 of the law.)
XXIV. Factories for the agglomeration of coal (briquette factories), (royal decree of March 15, 1893).	Children and youths under 16: 10½ hours. Recesses: a total of at least 1½ hours. Principal recess 1 hour.		
XXV. Quarries and works connected with them (royal decree of March 15, 1893).	For underground labor, the same conditions as for No. XXII. For surface labor: 10 hours. In the tool repair shops: 10½ hours. Total recess 1½ hours. In the works for cutting and carving the rough products of the quarry: for children and youths from 12 to 16: 8 hours a day, in order to give time for professional instruction.		
XXVI. Metallurgic works governed under the law of April 21, 1810. (Blast furnaces, iron and steel mills, rolling mills, foundries, etc.), (royal decree of March 15, 1893).	Length of labor: 10½ hours a day. Total recess: 1½ hours. Principal recess: ½ hour between 11 and 2 o'clock for the furnace men; 1 hour for the other workmen.	Male youths of 14 to 16 years may work at night, under the same conditions of labor and recess as the day labor.	One week in every two, male youths of 14 to 16 may work a seventh day, in order to feed the blast furnaces and attend to the zinc foundries. Time allowed for religious devotions.

XXVII. Preserving and pickling of fish (royal decree of November 3, 1898).

Children and youths under 16: 11 hours. Recesses: 3 with total of 1½ hours when actual labor exceeds 8 hours. When it exceeds 6, but not 8 hours, one or several recesses with a total of 1 hour. A recess of ¼ hour is compulsory after each period of 4 hours' labor.

Authorization for youths of 14 to 16 to work from 9 p. m. until midnight, during a number of days which shall not exceed thirty a year. Actual labor may never exceed 12 hours. Recesses as by day.

XXVIII. Factories for enamel products (royal decree of November 29, 1898).

Boys of 14 to 16 may be employed at night, one week out of every two, in the work of the enamel cooking ovens. Length of labor and recess as for No. XIX.

law of 1889 and the provisions of the various decrees of which we have just spoken. Let us see now how the law and the regulations are applied:

The Application of the Law.

In order to insure the application of the law and to watch its execution, Article 12 prescribes the appointment of officials by the government, whose powers shall be determined by royal decree.

At first the inspection of labor was vested in officers already charged with other powers. This system, condemned by experience in other lands, did not give good results, and a special body of labor inspectors was organized by a royal decree of October 22, 1895.

According to this decree, the inspection of labor and the observance of the execution of the law of 1889 in the mines, quarries and metallurgic works is committed to the engineers of the mines. For all other industries, the service of labor inspection is attached to the Labor Bureau.

This service comprises:

(1) Inspectors of labor in the central administration, residing at Brussels. These officers are six in number: two inspectors-general, three labor inspectors and one female inspector.

(2) Inspectors and deputies residing in the country. There are actually eight labor inspectors in the provincial service and six deputies. The country is divided into nine districts, and the departments of inspection have, on the last occasion, been defined by a ministerial decree of December 16, 1899.

(3) Finally, a certain number of medical inspectors are charged specially with watching over the application of the rules with reference to the healthfulness and safety of the workshops.

The labor inspectors not only have charge of the execution of the law of 1889, but also of the laws on the payment of wages, the regulations of factories, etc. They make an annual report, and their reports have been published regularly since 1895, and from them information must be secured concerning the law's execution, even though the reports are often incomplete and unmethodical.

I will refer here particularly to the last report published, that of 1900:

The law of 1889 was not applied seriously until 1895, following the reorganization of inspection. Since then progress has been

made, but it is incontestable that in several of its provisions the law is not applied as it should be in all parts of the country. The press and Parliament¹ have several times pointed out this unsatisfactory situation.

The inspectors certainly perform their complicated and delicate work with fidelity. But they are too few in number to fitly discharge their numerous duties. The opposition or the ill-will of the manufacturers is still too frequent; and when the inspectors wish to apply the law and enforce its respect, they do not always find the support which they should have among their superior officers.

In certain industries, *e. g.*, glass and hand-made brick, which employ a considerable number of children, the application of the law is particularly to be desired. It is true these industries have peculiar economic characteristics. There has already been introduced a regulation less severe for the brick-works, and certain mitigations are being asked for the glass industry.

Too many children are still permitted to labor before having reached the legal age of twelve years. The inspector for the district of East Flanders (Ghent) announces that the number of children under twelve found in the industrial establishments was particularly numerous in 1900. He found seventy-five such in his district in ten hosiery factories, two tobacco factories, one lace-making school, one mechanical weaving mill, one jute mill, one sugar refinery. (Report 1900, pp. 88, 89.) In some other districts the situation is better, according to this report, but almost everywhere violations are still observed, as well as the complicity of parents. "Families in need often make all efforts and use all sorts of devices to cause their children under age to be admitted to labor." (Report, p. 143.) It happens that the regulation note-books requiring the entry of the child's age contain false declarations, or they are delivered to the children under age by the civic authority. (Report, p. 127.) Moreover, these note-books are often missing, and the registries which the masters should keep do not always come up to the demands of the law.

A royal decree of December 26, 1892, as we have said, organizes the system of half-time—six hours of work—for children of twelve to thirteen, employed in the textile industries other than the woolen industry. This system has not given good results.

¹ See particularly the discourse of M. Renkin, Catholic Deputy of Brussels, proceedings of June 13 and July 2, 1901.

The manufacturers prefer to do without children under thirteen, rather than adopt this special organization. In the works which have adopted this system, the child does not benefit from it at all. "After having worked six hours in the morning at the spinning or weaving of linen, the parents send that child to complete the day's labor at a chairmaker's, at picking rags, or in a preserved fruit and vegetable factory, where the law does not protect him any longer within the same limits. Moreover, if he does not work in the afternoon, he roams around the streets and becomes vicious, the school refusing to admit as pupil a child who can only attend half the time." (Report, p. 65.)

This confirms what was said above, concerning the defect in the Belgian law, which contains no regulations for the instruction of children whose labor it limits.

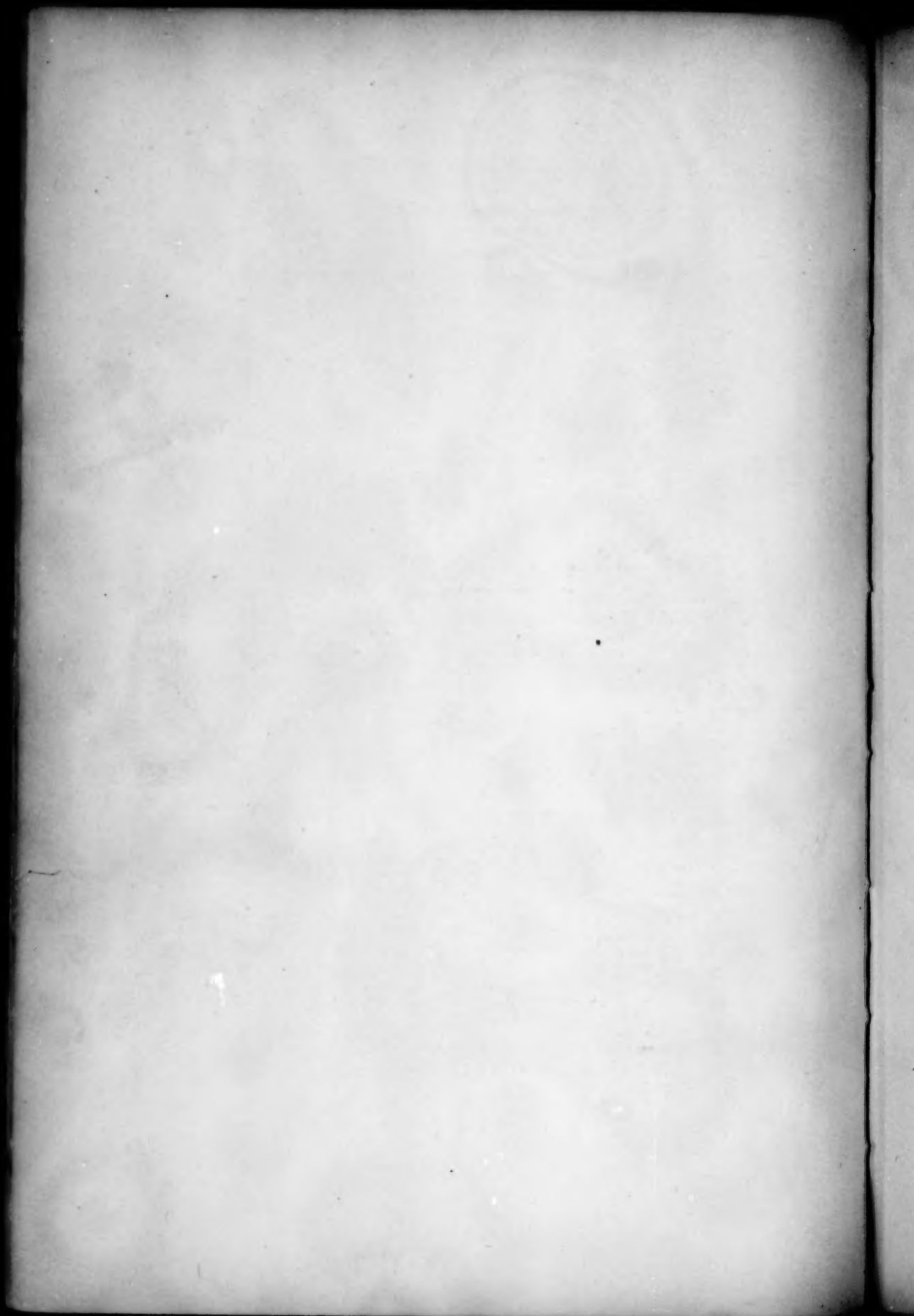
On several occasions the labor inspectors have called attention to the necessity of extending the application of the law to the workshops which are not included, and especially to the clothing and millinery shops, which freely employ numerous children. They ask, in every case, that the legislator should state more clearly and precisely than the actual interpretation of the law does, the distinction between the workshops subject to the law and those that are not. (Report, pp. 3, 66.)

Finally, the inspectors think that it is necessary to revise and to simplify the royal decrees, the complications of which give rise to many difficulties. This revision is, by the way, at present under consideration. (Report, pp. 3, 44.)

From what precedes, we may conclude that, except certain desirable ameliorations and simplifications, Belgium possesses a law comprising what is needed for the protection of children employed in the industries, and a law regardful of the many interests of industry. The most important present problem is to secure general, strict and complete execution of the legal provisions. Nothing is more demoralizing, from the social point of view, than to possess laws to which officials either cannot or will not compel obedience.

Machinery and Labor

**By Henry White, General Secretary, United Garment Workers
of America**



MACHINERY AND LABOR

By HENRY WHITE

General Secretary, United Garment Workers of America

This subject is one which involves the whole industrial problem. It is the complexity of conditions due to the introduction of machinery which has caused the wide differences of opinion upon the question of wealth distribution. Under the simpler methods of industry the manner in which the proceeds of labor were divided was readily understood; to-day, however, the system is so highly organized that there is much confusion as to its operations. The perplexity is so great that many who see in labor-saving inventions some malign purpose, and others again who discern that any means which enhances the productiveness of labor must benefit mankind, are unable to comprehend the manner by which that result is effected. The habit of judging the operations of so complex a system by the effect upon special interests instead of viewing it as a whole, accounts for the common misconception regarding the function of machinery.

If people were to consider how meagre would be the rewards of toil without the aid of machinery, how costly the necessities of life, and how small the purchasing power of the laborer, its uses would soon become apparent. The confusion is heightened by the dual relation which a person occupies as a producer and as a consumer. As a consumer he benefits almost at once by every saving in effort, while as a producer his means of a livelihood may in consequence be threatened. The laborers thrown out of work by a machine or even the merchant forced out of business through some combination cannot be expected to appreciate the beneficence of such economy. In both cases their horizon is limited to their own means of a livelihood. When a person finds his occupation suddenly gone, it outweighs all other considerations; and unmindful of the benefits he may have received from similar economies in other trades, inventions to him seem a curse. The rewards of the particular invention which distresses him go to the body of consumers and he only shares indirectly as one of them. In the case of the wage-workers the gain is not evident as it is with the manufacturer

who first utilizes an invention, and consequently their views on the subject will differ correspondingly. It is regrettable that even the temporary disadvantages of industrial progress should fall heavily upon some to the advantage of others, but it is as unavoidable as friction is to motion. The suffering can be mitigated only in proportion as our knowledge of the methods of industry increases, by recognizing the inevitableness of the changes and preparing to meet them.

Economic laws, like the laws of nature, admit of no exceptions. Were discriminations possible the consequences would make the present hardships seem nothing in comparison. In fact, society would quickly disintegrate and revert to its primitive state. If society had to wait for the sanction of every person before a forward step could be taken it would never start. In the process of adjustment and readjustment which progress implies, it is unavoidable that some have to be forced out of old grooves and made to fit into new ones. It is this adaptability to change which characterizes modern enterprise; this willingness to suffer immediate discomforts for the achievement of larger ends.

The general confusion as to the service rendered by machinery is not strange considering the absurd notions which are rife regarding the rudiments of social economy. No distinction is usually made between useful and useless labor. There is supposed to be only a given amount of work to be done, and hence the less each one does the more jobs there will be to go around. If wealth be wasted or destroyed, it will in some mysterious manner be replaced. The destruction of property by fire or flood is regarded with complacency by those not directly affected, upon the supposition that more work is thereby provided, without taking into account that the wealth required to replace it must be diverted from some productive use. The spending or circulating of money is equivalent to creating wealth. Luxury is looked upon with more favor than frugality, and it is even thought that gambling benefits a community as much as industry because the fortunate ones spend freely, and the misery which it begets is lost sight of in contemplation of the profits of a few. With such erroneous ideas entertained even by educated people, it is apparent why the complex operations of our industrial system are so slightly understood. The expansion of industry which follows labor-saving devices, the creation of new industries and the consequent replacing of those displaced is un-

intelligible to all save those that comprehend economic principles. In addition to the popular misconceptions of the subject, there are historic causes which have created this antipathy to machinery. During the transition from the domestic to the factory system in England, machinery became a club to subjugate the laborer. Untutored, unorganized, without any resisting power, the former independent artisan, now a factory hand, was placed in brutal competition with his fellows, and every invention only served to add to his helplessness. The plight of the English laborers at that time abundantly shows that there are circumstances in which the wealth of a nation may increase tremendously, the productive power of labor multiply many-fold, while the workers on the other hand become impoverished and brutalized. Mill was of the opinion that machinery had not benefited the working class, but happily, since the time in which he wrote, education and organization, two indispensable factors in their advancement, have come to their aid. An upward trend has in consequence taken place, and the stimulus which it has given will make a relapse, owing to the advances in sanitary science, as improbable as another visitation of a plague. Where the workers have succeeded in acquiring some independence, in raising their standard of living, machinery, despite the drawbacks described, has undoubtedly become a potent factor in the elevation of their class.

Under a collective system the immediate benefits which would be derived by each individual through labor-saving inventions are its chief merit, but to compare the good features of an imaginary social system with the disadvantages of the existing one is not an easy task. It can, however, be shown that this desired co-operative principle actually does work out at the present time in a rough way by the distribution of the benefits of inventions throughout society and that there are possibilities for a more perfect application of it.

As to the workers' share in production, Karl Marx in his incisive analysis comes to the conclusion that the value of commodities is based upon the labor cost plus the profits of the capitalist and in that he is in accord with the authorities upon social science since Adam Smith. He deduces from that, that labor alone represents the actual wealth which is exploited for profit by the capitalist and that the very capital invested was previously appropriated from the laborer. Granting this conclusion, Marx should have

made allowance for the competition between capitalists by which the price of commodities is kept within certain limits and the benefits of cheaper production are given to the consumers. In the cases Marx deals with, cheaper production unfortunately did not only mean more economical methods, but lower wages and long hours and the sacrifice of the worker, while the consumer represented some one else than the operative, who barely subsisted on his pittance. Without the ability to purchase the goods he produced, England had to dispose of in foreign markets that which should have been consumed at home, always the best market. Her chief dependence being upon outside markets, everything had to be subordinated to cheaper production, no matter how obtained.

Concerning the attitude of trades unions upon the question of machinery, the membership being composed of men with the usual abilities, their views do not materially differ from others. Having, however, the benefits of an education derived from a close study of economic problems and an experience which has helped them form broader opinions, they are gradually reconciling themselves to machinery. As for example the action taken at the late convention of the American Federation of Labor held at Scranton. In a resolution introduced by the delegates of the Cigar Makers' International Union requesting that a certain firm be declared unfair, there was reference to a cigar-making machine used in the shop of this employer. Although the machine was mentioned as an evidence only of the inferiority of the product of the concern, a vigorous objection was at once raised by the delegates against any mention of the use of machinery by the firm. In the debate which followed, it was argued that the convention could not afford to go on record as against labor-saving devices and that any attempt to oppose them would prove futile. The objectionable words were stricken out by a decisive vote. As to what action the convention would have taken if the delegates had thought it possible to suppress the machine is a question. The decision of the convention, however, has brought the movement to a point in which the members will be enabled to take a more liberal and complete view of the subject, and realize that the limitation of work is not only impolitic, but that by increasing their capacities the opportunity is afforded for them to insist upon a fair share in the larger product. The British unions have not advanced in that respect as far as the American unions because the habits of the working

people there are more set, but circumstances have also changed very much their attitude toward machinery.

The Typographical Union is a notable example of a union which accepted a revolutionizing invention as being inevitable, and thus succeeded in securing a rate of wages for the operators considerably in excess of that received by the hand compositors. An officer of the New York Union estimates that each linotype machine introduced into the newspaper offices displaced three men, and that within three years, owing to the increase in the size of the newspapers and the larger demand for printed matter which it encouraged, the men laid off have been re-employed, and that to-day the pay-rolls even exceed the former figure. This machine has also had the effect of elevating the standards of the craft, owing to the higher skill and education required. The competition among the employers is such that profits are reduced to a minimum, the public therefore receiving the full benefit of the improvement.

In the building trades, similar results are also noted. Improved methods have led to a prodigious expansion in building operations. The laborer's work is now largely done by mechanical means, and parts of a structure, such as the trimmings, are made in factories and are only fitted together upon the premises. The subdividing of the work is carried on to an extent that a number of contractors, each performing a distinct function, co-operate in the completion of a single building. When this specializing began and the ingenious hod-hoisting device made it unnecessary for men to make beasts of burden of themselves, a general alarm was created over the prospect of great numbers of workmen being thrown out of employment. To-day a far greater number of men are steadily employed in this fundamental industry than at any time in its history.

Examples of this kind can be cited indefinitely to demonstrate the larger results which flow from greater economy in effort. Allowances are seldom made for the enterprises which could not be carried on at all were it not for labor-saving methods.

The lowering of the cost of commodities enables the average person to indulge in what were formerly considered luxuries, and by this encourages the development of new industries. The tendency under the influence of machinery is for industry to spread out fan-shape, ever widening as the distance from the starting point increases. Were it not for the limitations set by the pur-

chasing capacity of the people and the periodical disarrangements or panics which occur as a result of what is conveniently termed over-production, there would be no check. To fear a surfeit of wealth seems absurd considering the needs of the average person. What is meant by over-production is the inability to buy what has been produced.

Russia with her immense population is unable to consume the products of her few mills, while in the United States, where the efficiency of labor is higher than anywhere else and is being increased at a marvelous rate, not to speak of the half-million aliens absorbed every year, the percentage of unemployed is lower than it has been for years, and even less than during the earlier part of our history when manufacturing was in its infancy.

To increase the purchasing capacity of the people either by higher wages or cheaper products is to reduce the surplus and maintain an equilibrium, hence the economic value of higher standards of living. Production cannot be greater than the ability of the average person to consume, any more than water can rise higher than its source, therefore increased production must be accompanied by the same increase in consumption, if normal conditions are to be maintained. No matter to what extent machinery, division of labor or economy in management may be perfected theoretically, the demand for labor ought not to be diminished. The eight-hour work is advocated by many, not because of the personal benefit to the workman, but upon the same grounds that they would favor the curtailment of production, in the belief that it would increase the number of the employed. By decreasing the average amount of work done in order that it may be distributed more evenly may accomplish that object temporarily, but if generally practiced would decrease the demand for work through the increase of the price of the commodity.

It is doubtful if workmen in a particular craft have ever succeeded for a length of time in erecting a wall around themselves and preventing as many extra men as could be employed from getting in if the emoluments were sufficient. So even if it were possible to so restrict work as to create a scarcity of workmen, this pressure from without would prove irresistible and the normal level would be maintained. If on the contrary a lack of work would make a number of workmen superfluous, there would be a tendency for them to find their way into growing occupations. Union

regulations, such as apprenticeship rules, can and do prevent undue crowding into a trade owing to a sudden and temporary demand which would prove highly injurious unless checked, for it would serve to break down standards upheld by the union. Through such means an assimilation of those entering the trade is gradually accomplished.

Unions have been frequently charged with trying to restrict output. The same accusation has also with equal effect been made against industrial combinations for seeking to create an artificial scarcity. In many cases where unions endeavor to prevent rush or driving work injurious to the worker, they have been accused of limiting work. Such restrictions can be easily defended. That labor organizations have in some instances attempted to prevent the use of labor-saving appliances there can be no question considering the prevailing ideas on the subject, and organized workmen can give force to their opposition, but that such is the policy of labor movement is far from fact as I have just illustrated. The opposition to labor-saving methods is not confined to workmen alone, for employers will rail against competitors able to give better service for less cost. The same resentment at being forced out of a settled occupation is entertained by all.

The actual injury done by machinery is caused by the suddenness of the changes that result. Since there could be no way of regulating inventive genius, and the incentives for using improvements will remain as great, the rational and the only way to meet them is by preparation. The working class suffers most because it is less able to accommodate itself to new situations. The rising generation should be better equipped with a general knowledge of mechanics, and taught how to handle tools with skill. Such a training would undoubtedly relieve the difficulty and it could only be adequately supplied by the public schools. The results would be to increase the independence of workmen, as they would not then rely upon a small division of a trade or upon a single employer. Independence and higher wages go together. Unskilled laborers in some cases learn more than skilled mechanics for the reason that workmen trained only in one craft are usually unfitted for other work, while those accustomed to being thrown upon their own resources are more adaptable.

In the case of the aged workman the situation is specially hard, as he cannot find any place in an industrial system in which alert-

ness counts for more than skill. He cannot profit by accumulated experiences as others do. It is the tragic side of the question, this grievous predicament of the worker who has spent his energies adding to the nation's wealth. It can and ought to be overcome, not by any system of alms-giving which must always prove inadequate, not by retiring him to idleness, but by keeping him employed at such work as his long training and peculiar abilities fit him for. As his earning power declines at a certain period, some system of insurance could supply the deficiency.

In respect to the material advantages of machinery, it surely has enlarged the capacities of the people and multiplied their opportunities. The possibilities are such as to make the mind tremble in anticipation. It is the agency which alone can raise wages, reduce the working time and enhance the buying power of money—a threefold gain.

The feeling against machinery will not cease until the workman profits more directly as a producer as well as a consumer, until he is treated as a human being and not as a mere animated tool, until he becomes more than a tender, an incident in production. The human element must become more evident and the toiler made to feel his partnership. The true mission of machinery would then be revealed to all as the only means which liberate man from drudgery, increase his control over nature and provide the leisure essential to a higher culture.

One of the acknowledged evils of machinery is the exploitation of child labor which usually follows its introduction. Such was the case in England, and we find it repeated to-day in the new industrial districts of the South. In such industries where the repetition of a small mechanical process enables child labor to be employed, the temptation to take advantage of the opportunity is great; for children have no rights to assert, no wage scale to uphold or working time to protect. In that respect child labor is akin to slave labor. It must be added for fairness that the capitalists utilizing such opportunities are not alone to blame, for shortsighted and grasping parents often drive their children into the mills because of the paltry sum which can be added to the family income, and in time they get into the habit of depending upon the pittance purchased at so terrible a price.

The inducement of a "plentiful supply of cheap labor" is also held out to capitalists by small communities as a means of per-

suading them to locate factories in their neighborhood. These are the two chief obstacles in the way of reform. In course of time, however, as the consequences become more evident and the exultation over the establishment of a new factory wears off, the public conscience revolts against this debasement of the helpless children and the law is eventually evoked to suppress the evil. The strenuous efforts being made in the South upon the part of the labor organizations and sympathizers to enact protective laws lead us to hope that we will at least be spared the dreadful experiences of England during the first half century of the factory system.

**V. Tendencies of Factory Legislation and
Inspection in the United States**

By Sarah S. Whittelsey, Ph.D., New Haven, Conn.

TENDENCIES OF FACTORY LEGISLATION AND INSPECTION IN THE UNITED STATES

By SARAH S. WHITTELSEY, Ph.D.

The introduction of the factory system in American industry acted in this country, as it had in England, to develop certain abnormal conditions of labor that in the end required government interference. Thus in the manufacturing states, chiefly in the North and East, there has come into existence a very considerable body of factory law. The enactment of such regulative statutes is the prerogative of each of the several states acting independently and according to the discretion of its own legislature; in consequence there is great variety in these laws and in their scope,—from the comparatively complete codes of Massachusetts and New York to absolutely no regulation whatever.

Present Factory Laws of the United States.¹

"In all, about half the states have so far passed what may be called a factory act; that is, laws for the regulation, mainly sanitary, of conditions in factories and workshops. These include . . . the New England states generally, New York and the Northern Central and Northwestern states following their legislation. There are almost no factory acts in the South nor in the purely agricultural states of the West, but these statutes are being passed rapidly and moreover, in states where they have already been enacted, are being amended every year.

"The most usual statutes are those making provision for proper fire-escapes, or against use of explosive oils, etc.; for the removal of noxious vapors or dust by fans or other contrivances; requiring guards to be placed about dangerous machinery, belting, elevators, wells, air-shafts, crucibles, vats, etc.; providing that doors shall open outward; prohibiting the machinery from being cleaned while in motion; laws to prevent overcrowding and to

¹ This discussion is based upon the Report of the U. S. Industrial Commission, Vol. V, on Labor Legislation.

secure sanitary conditions generally."¹ Building laws also re-enforce these measures.

Antedating such factory acts proper, the same states have very generally passed statutes regulating child labor and forbidding employment to those under a stated age. In eleven states this age limit is fourteen years, in nine over twelve, and in four,—New Hampshire, Vermont, Nebraska, and California,—ten years; eleven also make educational provision for older children and illiterate minors.²

The majority of states have further legislated upon the hours of labor of minors, while fifteen limit the working time of women as well, generally to sixty hours per week, but in Massachusetts to fifty-eight hours, in New Jersey to fifty-five, and in Wisconsin to forty-eight.³ Eight also provide for time for meals, and five prohibit night work.⁴ This limitation of hours for women and children, considered "wards of the state," very generally necessitates a similar working day for the adult male laborer in the factory, while it in a measure avoids the serious question of constitutionality that a broader statute could not fail to raise.

"There is absolutely no limitation for persons of any age or sex only in Iowa, Kansas, Oregon, Nevada, Washington, Idaho, Montana, Wyoming, Utah, Kentucky, Arkansas, Texas, North Carolina, Alabama, Florida, Mississippi, New Mexico, Arizona, Oklahoma, and the District of Columbia."⁵

Besides these statutes, other laws that must be mentioned, as immediately affecting the interests of factory labor, are those which regulate wage payment and fines, also the employers' liability acts which allow recovery of damages for bodily injury

¹ Report of the U. S. Industrial Commission, Vol. V, pp. 100-101. N. H., Me., Mass., Vt., R. I., Conn., N. Y., N. J., Penna., Ohio, Ind., Ill., Mich., Wis., Minn., Neb., Del., Mo., N. Dak., S. Dak., Ga., La., D. C., Wash., Mont., Wy., Md., Cal., Tenn. These range from complete acts, like those of N. Y. and Mass., to fire-escape provisions only, as in N. H., Me., Del., Va., Ga. etc., while Ala., the Carolinas, etc., are still entirely outside of the group.

² *Child labor*—(14 yrs.) Mass., Conn., N. Y., Ind., Ill., Mich., Wis., Minn., Cal.; (girls 14 yrs., and boys 12 yrs.), N. J., La.; (13 yrs.), Penna., Ohio; (12 yrs.), Me., R. I., Wis., Md., W. Va., N. Dak., Tenn.

³ *Hours of labor*.—(Women and minors), Mass., Me., N. H., R. I., Conn., N. Y., N. J., Penna., Wis., Neb., S. Dak., N. Dak., Okla., Va., La.; (Minors), Ind., Vt., Ohio, Ill., Mich., Minn., Cal., Md., Ga.

⁴ *Night work and meal hours*.—N. Y., Mass., Neb., Ind., Mich.; (meal hours), La., Penna., Ohio.

⁵ *Ibid.*, p. 40.

sustained in service. Thirteen states have passed laws regulating the period of payment by individuals and corporations, and nine others stipulate weekly or fortnightly payments by corporations. Only Massachusetts, Indiana and Ohio have attempted to "prevent the withholding of wages or the imposition of a fine by factory employers for imperfect work."

Outside of the New England states "anti-truck acts," similar to the English statute and stipulating a money payment, have been passed in sixteen states, five of which, however, limit its application to corporations. It may be noted in passing that several of these wage-regulating laws have already fallen under the ban of the courts.

Employers' liability statutes supplement the factory acts by affording additional reason for care on the part of the employer in guarding dangerous machinery and otherwise providing for the safety of those in his employ. Twenty-two states have legislated upon the "fellow-servant" question, and ten make employers liable for injury caused by defective machinery. Of these, however, only six apply in full to factory labor.

The states that have passed factory acts and regulated hours of labor "have usually created one or more factory inspectors, charged with the duty of seeing that the statutes are carried out generally with powers to enter personally or by deputy and to inspect all factories at any time."¹

The child labor laws are variously entrusted for enforcement to the factory inspectors, school committee or board of education, commissioners of labor, or left to the care of the police.

Historical Development.

It may seem perhaps that such a sketch fails to show the underlying or directive principle of this legislation, but a detailed study of the laws adds confusion rather than enlightenment. Studnitz considered that he had seized upon the real causal force and summed up the situation in the statement that American labor legislation has been determined by the political and social strength of the laborers demanding it, rather than in accordance with the natural needs and varied conditions of industry within the states.²

¹ Report of the U. S. Industrial Commission, Vol. V, p. 100.

² Studnitz Nordamerikanische Arbeiterverhältnisse.

Allowing this explanation at least as to the immediate agency, we must nevertheless recognize the fact that other forces are at work and that there are traceable tendencies of a natural growth even when arbitrary human action is so apparent. The most casual acquaintance with the history of labor legislation must convince us that the action of economic law has inevitably necessitated the legal regulation of labor; and this really in spite of human opposition and in the face of extreme doctrines of non-interference. Industrial labor unregulated has everywhere developed the same symptoms. Competition between producers tends to encourage all possible reductions of costs, to reduce wages, to increase the use of cheap child labor, to perpetuate long hours of labor, etc., and to range the interests of the employing class against those of the operative class. In the struggle which results from this antagonism the employer has the advantage of position to force his own terms of contract upon the laborer, for he has in his hands an accumulated capital which is equivalent in power to effective organization. Such conditions left to work themselves out have invariably acted to degrade the social status of labor, the heaviest pressure falling upon those who could least resist it. This was the experience of England first, then felt on the Continent and in this country in the New England states and other centres of manufacture, and to-day we are becoming aware of like tendencies in the cotton-goods industry of the South.

It was almost universally the evils attending child labor that evoked the first acts of regulation. But although abuses were very serious, legal remedies were most timidly applied. Even with the example of the successful issue of the English laws the New England legislatures contented themselves with the passage of most inadequate measures, measures that could hardly have been looked upon as anything more than unenforceable threats. We realize how complete a change of attitude toward this "intermeddling legislation" has been brought about during the course of the past sixty years when we compare a few of these old laws with those to-day in force. Contrast, for example, the detailed and exacting requirements of the present law concerning child labor in Massachusetts with the older Vermont statute, which is quite typical of the earlier order and "merely requires the selectmen of towns to inquire into the treatment of minors employed in manufacturing establishments; and if a minor's education, morals, etc., are unreasonably

neglected, or he is treated with improper severity or compelled to labor unreasonable hours, they may, if he has no parent or guardian, discharge him from such employment and bind him out as apprentice with the minor's consent." (Vt. 2518.)¹

Early measures were certainly neither severe in the regulation imposed nor exact in defining the parties held to be responsible. They generally involved a question of volition, making "willful" transgression alone punishable, and thus unenforcible in the letter, were given into the hands of town officials who had neither the power nor the effective desire to investigate or to bring suit.

Such enactments stood for little more than a public recognition of abuses which they in no wise checked, but the increasing menace of the situation, the threat, not to be scorned, of a future sickly and illiterate labor population, forced the passage of more adequate measures and the resort to a better mechanism of enforcement than that of town officials and the general police. In such reforms Massachusetts took the lead, enacted and repealed several contradictory statutes, and finally by the slow process of continued amendment evolved the present really enforceable law.

We feel in studying the halting stages of this development not only that there was a pardonable ignorance of ways and means in attacking a new problem, but also the influence of a more or less skeptical public opinion concerning this policy of interference which reflected itself in hedging clauses that weakened and sometimes vitiated what would otherwise have been good measures.

In spite of many drawbacks to advance, however, there was no retrograde motion, but a continued development of strictness and detail in exactions, of clearer definition and placement of responsibility and of more adequate provision for inspection. As these laws gradually demonstrated their practical usefulness and convinced the public of benefit instead of harm, the former attitude of timidity gave place to a decided peremptoriness, the former indiscriminate *omnibus ad quos hae litterae pervenerint* to placed responsibility.

Meantime the way was opened for more wide-reaching regulations concerning hours of labor, work-room conditions, etc., and a broader conception of the province of such legislation and of that which might be considered proper subject of legal interference.

¹ Industrial Commission, Vol. V, p. 48.

Whereas the first attempts to protect even little children from conditions that imperiled their health and life were bitterly opposed in England upon grounds of national policy, to-day we find statutes that regulate not only child labor, hours of labor, factory constructions and the use of machinery, but also others that stipulate times and manner of wage payment, and forbid fines in dealings with adult male employees. And this has come to pass in America where "freedom of contract" is the constitutional right of every individual citizen.

Our laws have indeed very steadily progressed from measures of simple protection to detailed regulation of conditions, and even to the securing of special benefits to labor.

This broader application of the legal remedy has been accompanied also by marked territorial extension, following the growth and spread of manufactures. Other states have felt the necessity of adopting a labor code and have naturally, in a general way, followed the forms of New England and New York. They range, however, through all stages of incompleteness. A curious phenomenon constantly appears in this imitative legislation. When a state legislature passes a new labor law, or revises an old one, it does not necessarily adopt the latest form nor that which has proved to work most satisfactorily in another state, nor yet a combination of choice clippings from several. A state legislature is generally perfectly content with a law that is about as poor as the average and looks forward most placidly to the inevitable train of amendments that must follow in its wake. By this I do not mean to criticise in the least the enactment of less strict regulations as a lower age limit or longer hours of labor, which may be proper under given local conditions, but alone the continued repetition of blunders and faults of construction that have elsewhere proved their character and their power to nullify the intent of the law. Fortunately experience proves in the end an effective, if dear, teacher and one of the lessons that it ultimately drives home is that even a state legislature cannot legislate the laws of nature out of the world arena. As Jevons said, "The state is the least of the powers that govern us." But as the physician through his knowledge of medicine and physiology, and by his diagnosis of the symptoms of disease, is able to pit law against law, and to restore health where he found abnormal conditions; so the statesman who understands the social order and the tendencies of economic forces

is often able to control their action. In either case, a knowledge of the active agencies is absolutely necessary to the solution of the problem. The recent organization of bureaus of labor statistics is certainly significant in this connection. To-day, when a question of labor legislation is presented, there is, in many states, such a qualified advisory body to whom the whole matter may be referred for investigation and study, and whose regular duty it is to inquire into and report upon labor and industrial conditions within the state. This indicates a growing appreciation of the necessity of accurate information and of the exercise of due care in passing acts of regulation.

Enforcement by Inspection.

The problem of enforcement of these laws has proved even more serious than that of their enactment. Labor laws, however good, cannot enforce themselves. It may appear to be for the laborer's own interest to report violations and seek the legal remedy, but the indisputable fact is that he does not do it. Moreover, not only is the individual laborer often not in a position to do so safely, but even the labor union shrinks from the task. The whole history of the movement for the regulation of labor shows the absolute necessity of efficient inspection, a fact which has unfortunately been most clearly demonstrated in the general lack of such inspection. In nothing do the states differ more widely than in their provision for inspection. There are such specifically differentiated departments as that of Massachusetts or New York; there are such combinations as that of Connecticut, where a single inspector with two or three assistants enforces the factory, workshop and bake-shop acts, while the Board of Education is charged with the child labor laws; and there is dependence alone upon the general police force.

Inspection always lags too far behind legislation and has given some ground of credit to the often-repeated criticism that this labor legislation is not in fact intended seriously, but has been entered upon the statute books rather to still the clamor of agitators for reform than to effect any real change in conditions. It is certain at least that the serious effectiveness of these laws develops in exact proportion with the inspecting power,—with the organization, number and qualification of inspectors. If the charge of insincerity, however, had been true, we might expect to find that the

better the laws became, the stronger the pressure that would be brought against the development of costly inspection. The legal remedy being given, is it not the privilege of the individual to avail himself of it, rather than the duty of the state to force it upon him? On the contrary, however, the history of inspection runs parallel and in the same direction with that of the legislation just reviewed. The same economic and social forces that were the *raison d'être* of these laws have quite as distinctly and steadily, though more slowly, created the supplementary machinery of enforcement. The unreliable and haphazard inspection of town officials has passed entirely, superseded by the inspector whose sole duty is inspection, in which duty he is aided by assistants immediately under his own command, or by members of other departments of government. The tendency towards the development of *distinct* inspection departments is quite unmistakable though the exact form of their future organization is less easily predicted. There are two toward which present forms lean, one exemplified in Massachusetts, the other in New York.

In Massachusetts the inspectors are organized as a division of police, under the chief of police as chief inspector, exactly as the detective division, for instance. That of New York is a separate and distinct body under a chief appointed by the governor to hold that single office.

The question is therefore raised as to whether organic connection with the police department or separate and distinct autonomy is the more practical and advantageous form. It is conceded that Massachusetts has developed the most efficient corps of inspectors in this country, but this cannot at present be taken as conclusive proof of policy, because Massachusetts was earlier in the field, and because opposing obstacles were hardly so serious as those met in New York. Further, such connection with the police department in Massachusetts seems to have been largely due to local conditions and to have grown out of measures dictated by immediate convenience at the time of the passage of the early child labor laws, rather than a deliberately chosen system of administration. A clipping from the history of the department will make this clear.

"At first the unreliable mechanism of truant officers and local town or city officials was solely depended upon for inspection. Then, under new child labor statutes, a single deputy was in each case detailed by the police department to aid enforcement (1866,

c. 273; 1867, c. 285). The law of 1877 (c. 214), increasing the duties of factory inspection by regulations looking to the safety of employees, provided that members of the State Detective Department should act as inspectors of factories and public buildings, to report and prosecute violations of this act as well as of other measures relative to the employment of women and minors. . . . In 1879 (c. 305), the governor was authorized to appoint two regular inspectors from the police department. . . .

"Better administration was finally secured in 1888 (c. 113), by separating the detective and inspecting forces. . . . With the enactment of stringent steam-boiler inspection laws, a new department of boiler inspectors . . . was created."

While in some ways this affiliation with the police has been helpful, there are also drawbacks in the combination under one head of work in fields that are so large and so distinctly marked off from one another not only in object, but most essentially in methods of work. It would seem that a due co-operation between district departments could be made to afford all of the advantages of the closer relationship, while it would insure the whole time and energy of the chief to a task that is quite enough to occupy his entire attention. Indeed, with the increasing number and detail of regulations, the many technicalities that arise in the application of labor laws and the rapid growth of the factory system of industry, another specialist will soon be demanded to fill such an office. The necessary increase in numbers alone must make the police connection awkward.

In framing many of these laws, for example the factory acts, much has necessarily been left to the discretion of inspectors in the decision of what is "adequate" provision. Especially where appliances not contemplated in the ordinary law are offered, very careful judgment is called for. Such powers cannot be entrusted to untrained and inexperienced persons, however well intentioned, nor is the training of police duty any sufficient preparation. It would not be considered appropriate to appoint a policeman inspector of stationary steam boilers or examiner of engineers, yet under present factory laws, technical knowledge of industrial processes, machinery, etc., is sometimes equally demanded. In Massachusetts the original method of detailing police as inspectors when occasion demanded, or even permanently installing them in these positions, has been abandoned for the stricter and more

adequate tests of civil service examinations open to all applicants. And again her example indicates a general trend.

The tendency in inspection already is, and in the future must be more markedly, toward the growth of a distinct and specialized department, in which the chief and his assistants are trained for their work. Such a department, while it would not stand in the relationship which some at present hold to the police, would come into closer touch with other departments, as the Board of Education and Bureau of Labor.

Uniform Labor Legislation.

The influence of state boundary lines upon the course of legislation in this country is an interesting question, and one upon which entirely diverse opinions are held. Some go so far as to claim that there never can be really successful legislation so long as such boundaries hold; that if a good labor law is passed in one state and enforced there, the benefit that may result to the few operatives is balanced by the restriction which it puts upon the producer and the consequent discrimination against capital in that state as compared with its neighbors. Capital therefore seeks investment in those sister states instead of in the law-trammeled one, thus reacting against the interests of the labor market there; while states that so profit in their freedom are the more loath to give over their advantage by enacting similar measures. Thus legislation in one state becomes at once detrimental to its own industrial interests, and a check upon legislation elsewhere. Loud protests of this tenor were heard, for example, in Massachusetts a few years ago, when at a time of business depression the cotton mills suffered from the competition of Southern rivals. A somewhat extended study of the situation at that crisis, however, failed to show that these detrimental consequences had followed in actual life, or that the stress felt by the mills could have been removed by a suspension of the laws complained of.

On the other hand, when we begin to reckon with the difficulties that must be encountered in any attempt to legislate upon labor conditions in this country treated as a whole (even disregarding entirely the present constitutional impediment), we find arguments showing that local self-government has probably furthered the development of labor legislation. In the first place, it is much

more difficult to persuade a body with such wide jurisdiction to pass what must often be experimental measures and may endanger national interests. Suppose, however, that this legislation was undertaken, it would be well-nigh impossible to frame a measure that would apply with justice throughout and in communities where industrial occupations differ entirely in kind, or, if of like order, range through many stages of development. It would mean that such legislation must conform to a very low margin of production in order to avoid injury to states where conditions are backward, and that would leave unregulated much that has clearly shown need of regulation in states where there is higher organization of industry. Would it not, in fact, be absolutely necessary to mark out territorial divisions that might not of course follow state boundaries, but would not in the end differ essentially from them in character? Again, such divisions mapped, what an impossible labor is put upon the central body if it would legislate wisely for the several sections! Would it not be necessary at least to appoint some advisory body to study the local needs of each section and to report recommending appropriate measures? In the end, what would we have in the least better than the present system?

Within a single state the labor interest is united, the pros and cons of the situation can be more easily investigated, effects more easily watched and even more accurately predicted. Jevons might indeed have considered it a well-fitted laboratory for his scientific experimentation in legislation. The success of a local experiment acts often as an incentive to labor elsewhere to demand like privileges, and as against the argument of an insignificant tax upon production, the political power of the labor party has very generally won the day. The second state feels itself at no greater disadvantage than that which took the initiative in the movement, and may easily take the precaution of passing restrictions that are a trifle under those of its neighbor.

This discussion, however, leaves us still face to face with a confusion of local regulations, among which there is total lack of any uniformity. The situation has for some time attracted public comment, and there is a growing desire for uniformity especially in the protection of child labor and in the curtailment of the hours of labor, which are the regulations that particularly affect the interests of capitalists. Quixotic attempts to force an amendment of the Constitution, and to secure the passage of a national eight-hour-

day law, have been chronicled in the movement, which nevertheless, with more moderate aims, has steadily gathered strength. At last, under the Industrial Commission of 1898, the problem of uniform legislation has been clearly recognized and carefully studied, "in order," the act reads, "to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer and the consumer" (Sec. 3). Empowered to report with recommendations either directly to Congress or to the several state legislatures, the Commission addressed itself in this "matter of domestic law" to the state legislatures. The report submitted is of such interest and importance that I quote in full its recommendations so far as they apply to factory labor:

"Perhaps the subject of greatest public interest to-day is that of the regulation of the hours of labor permitted in industrial occupations, and especially in factories. . . . Obviously Congress has no power, without a constitutional amendment, to legislate upon this subject. The Commission are of the opinion that a uniform law upon this subject may wisely be recommended for adoption by all the states. We believe that such legislation cannot, under the federal and state constitutions, be recommended as to persons, male or female, above the age of twenty-one, except, of course, in some special industries, where employment for too many hours becomes positively a menace to the health, safety, or well-being of the community; but minors, not yet clothed with all the rights of citizens, are peculiarly the subject of state protection, and still more so, young children.

"The Commission are of the opinion, therefore, that a simple statute ought to be enacted by all the states, to regulate the length of the working day for young persons in factories (meaning by young persons' those between the age of majority and fourteen); and in view of the entire absence of protection now accorded by the laws of many states to children of tender years, we think that employment in any capacity or for any time, under the age of fourteen, should be prohibited. The question of shops and mercantile establishments generally appears even more subject to local conditions than that of factories; therefore the Commission see no need for even recommending to the states any uniform legislation upon this subject. But child labor should be universally protected by educational restrictions, providing in substance that no child may be employed in either factories, shops, or in stores in large

cities, who cannot read and write, and except during vacation, unless he has attended school for at least twelve weeks in each year."¹

These are certainly conservative recommendations and illustrate again the difficulty of finding any common ground of action even in the fundamental requirements of health and education. The exception made with reference to shops and mercantile establishments upon the ground of local differences in conditions is interesting. So much evidence has been brought of abuse of child labor in the mercantile houses of many large cities, especially in respect to these two matters of overwork through long hours and of interference with common-school education (above recognized) that several states have voluntarily extended provisions of the factory laws concerning minors to cover such establishments. These conditions appear to reproduce themselves with remarkable similarity in various locations, and it is not altogether clear what local conditions could intervene to make the universal application of the measure proposed for factories undesirable.

Notwithstanding all moderation and the exceptions allowed, two of the commissioners still recorded themselves as considering it "unjust and impracticable to attempt any uniform laws regulating labor in all the states," and a third concurring with these adds that, "the conditions to be dealt with will work themselves out better under local self-government than under any iron-clad rule adopted by or suggested from a central power."²

The protestors are from the Southern states and their protest seems peculiarly pertinent at this time, when the prevailing conditions of child labor in these states are attracting so much attention. Not to digress into a discussion that would lead us too far afield, let it suffice to sum up the evident facts of the situation in a single paragraph.³

Whatever their previous condition of freedom, barbarism or poverty, there are to-day, in the cotton mills of the South, large numbers of little children, some under ten years of age, who can be and are employed sometimes eleven and more hours a day, sometimes eleven hours of the night. Indeed conditions parallel the times

¹ Report of Industrial Commission (1900), Vol. V (pp. 3-4).

² *Ibid.*, p. 10.

³ See pamphlet upon "Child Labor in Alabama," "An Appeal to the People and Press of New England, with a Resulting Correspondence," obtainable from the secretary of the Alabama Child Labor Committee, P. O. Box 347, Montgomery, Alabama, and from Room 624, 203 East Twenty-second Street, New York City.

of Shaftesbury in England! Attempts to pass bills that can hardly be deemed extravagant in the protection demanded, and even compulsory education measures, have been opposed and frustrated. The reasons given for such resistance of legal interference may be summarized about as follows, at least in Alabama, which has been the field of a recent encounter: That the bill presented by the Alabama Child Labor Committee¹ is "outside interference" and "only the entering wedge"; that "Georgia (facing the more difficult task in) having double the number of spindles, should act first"; that against the expressed desires of mill officers, parents insist upon the employment of their children or "take their families to other mills where no objection is made" (and this the law would make impossible);² that the prodigiously early development of this particular class of Southern children together with "the length and heat of the day" which "are prime factors respecting the hours that may be appropriated to labor"³ make it inadvisable to limit the hours of labor of children to ten out of a possible twenty-four, or to require that they should sleep and not work at night. We cannot say that the movement for uniform legislation or even for labor legislation "under local self-government" is unopposed.

The recommendations of the Commission also include the following:

"Further regulations, especially in the line of bringing states which now have no factory acts up to a higher standard, is earnestly recommended.

"In states which have many factories the well-known factory act of Massachusetts or New York, based upon the English act which served as a model to all such, is recommended for adoption.

"The sweat-shop law also, which is now practically identical in the important states of New York, Massachusetts, Pennsylvania and Ohio, is recommended for general adoption.

"A simple and liberal law regulating the payment of labor should be adopted in all the states, providing that laborers shall be paid, for all labor performed, in cash or cash orders, without discount, not in goods or due bills, and that no compulsion, direct

¹ Alabama Child Labor Committee: Edgar Gardner Murphy, Rector of St. John's Episcopal Church, Montgomery; Thomas G. Jones, ex-Governor of Alabama; Lucien V. Lataste, Montgomery; J. H. Phillips, Superintendent of Schools, Birmingham; John Craft, Member of Legislature, Mobile; A. J. Reilly, Member of the Legislature, Ensley.

² J. H. Nichols, Treasurer, Alabama City Mill, *Boston Evening Transcript*, October 30.

³ Report of Industrial Commission Vol. V, p. 10. J. W. Daniel, dissenting.

or indirect, shall be used to make them purchase supplies at any particular store."¹

The report refers also to other statutes which reinforce certain common law doctrines, such as those concerning intimidation, strikes, boycotts and black-listing, to those protecting the political rights and legal rights in suit of labor and to the recognition accorded to trade unions in provisions for incorporation and protection of labels, making however no special recommendation concerning them to the states.

We see, therefore, that beyond the elementary regulation of child labor and hours of labor for minors, the Commission would have the states establish a standard of good sanitation and of safe conditions in factories everywhere, and above this, especially suggests a scientific and well-tested law for adoption in states having large manufactures. The restriction of hours is always looked upon chiefly as a health measure, but it is certain that the general bodily vigor of the worker has been more markedly affected by modern improvements in ventilation, lighting and sanitation than by any of the shorter day statutes. Factory acts assist materially in forcing this advance and have received a due recognition of their usefulness. In recommending the universal passage of a sweat-shop act, the Commission endorses the old saying, that an ounce of prevention is worth a pound of cure. As a matter of fact, such laws have been passed, and in an incredibly short time (since 1892, when New York passed the first of this series), in those states in which the evil is important. Attempts to extirpate the evil in these states threaten to drive it into neighboring sections. Connecticut, for example, lying between Massachusetts and New York, in both of which quarters the anti-sweat-shop war is being vigorously pushed, has enacted a similar statute simply as a protective measure.

It is clear that the ultimate effect of uniform labor legislation will not be one law applying throughout the length and breadth of this great land, but rather a graded system. It will determine a minimum standard of regulations, a basal plane of competition for American industry. Above this it will still be necessary for the local government in many places to impose stricter requirements where there is complexity of organization, but in that which is

¹ Report of Industrial Commission, Vol. V, pp. 4, 5, 7.

² *Ibid.*, p. 6.

fundamentally essential to the common well-being of the community there will be one limit approved for all that may not be transgressed.

The suggestion made in the Industrial Commission's report as to how this standard may be determined is especially well considered:

"In conclusion the Commission would recommend the establishment by all the states of labor bureaus or commissioners, who shall, besides their local duties as now defined, be charged with that of exchanging their statistics and reports, and of convening at least once in a year in national conference for general consultation, which national conference shall have power to submit directly to Congress its recommendations for such federal legislation as a majority of the state commissioners may deem advisable, and shall also submit to all the states, through the commissioners of each separate state, their recommendations for such uniform state statutes upon labor subjects as may seem wise and desirable."¹

If we rightly interpreted the action of local governments in establishing these bureaus of labor, as a step towards more scientific legislation in those states, surely this plan of a national conference of state commissioners of labor stands for a still more important extension of the scientific method in questions of labor legislation. It also illustrates a tendency that is becoming more and more evident, namely, the fuller reliance that is being placed upon "intelligence as a social regulator" and "publicity for controlling industry and commerce." Make known the actual conditions that prevail, point out the appropriate remedy, and the weight of an informed public opinion will go far to force reform whether through an act of legislation or through the influence which may be exerted by consumers upon producers. Indeed the battle cry of the day is, "Give us but an enlightened public opinion and our fight is three-quarters won."

The suggestion of regulating business relations through the pressure of public sentiment has been seized upon with almost too great avidity by some who would apply it as the immediate and sufficient solution of all labor difficulties and as an argument against the enactment of any statutory regulations whatever. Such a proposition appears, however, of doubtful value at present under

¹ Report of Industrial Commission, Vol. V, p. 9.

the conditions of unenlightenment that unfortunately prevail, and it may be feared, does not proceed from the best friends of labor.

Constitutionality.

Recurring to this fact of opposition, already earlier noted, it has been questioned whether this counter-movement does not offer a real menace to the future growth of the labor laws, and indeed to the continued existence of the present body of legislation. In a number of instances where labor laws have been brought to the test of a court decision they have been pronounced unconstitutional and annulled upon the ground that they "contravene freedom of contract," are "class legislation" and so forth. This has been the fate of statutes regulating the hours of labor for women over twenty-one years of age in Nebraska, California and Illinois; of weekly payment laws in Pennsylvania, Illinois, Missouri, West Virginia and Indiana; of anti-truck acts in Pennsylvania, Ohio, Illinois and West Virginia; and of those prohibiting company stores or coercion of purchase in Pennsylvania, Illinois and Tennessee.

In Massachusetts, on the contrary, the regulation of hours was sustained "as a health or police regulation." Also at the time when the bill for the extension of the act concerning weekly payments was before the legislature the justices returned as their opinion to the House of Representatives that such an act was within the constitutional power of the General Court to pass. It is also worthy of notice, that in spite of the decision by the Supreme Court of Nebraska in 1894,¹ a new law defining hours of labor for women was passed in 1899, and to-day applies not only in factories, but in restaurants and hotels as well. Again, in the report just reviewed, the commissioners have recommended the general enactment of an anti-truck and freedom of purchase act in spite of the decisions of Pennsylvania, Illinois and Tennessee courts.

Verdicts of unconstitutionality have therefore hardly affected more than the very border of the factory laws; the regulation of child labor, of workroom conditions, of hours of labor for minors,

¹ 41 Neb., 127. Nebraska (1890, 1907).—No female shall be employed in any manufacturing, mechanical or mercantile establishments, hotel or restaurant in this state more than sixty hours during any week, and ten hours shall constitute a day's labor. The hours of each day may be so arranged as to permit employment of such females at any time from six o'clock in the morning to ten o'clock in the evening; but in no case shall such employment exceed ten hours in any one day.

have never even been questioned. It hardly seems likely that any of these laws will ever be put to the court test at all. Both in England and in this country, they have proven generally beneficial to public interest, they have been pretty cheerfully accepted and obeyed; they have gained public approval; they have the political support of a large labor party. Perhaps the apparently adverse action of the courts ought rather to be looked upon as a healthfully conservative influence against possible evil results of hasty and ill-considered legislation or attempts to interpose legislation where the object could be better obtained by the effective organization of labor and should be left to the initiative of the unions.

Factory legislation has been inevitably necessitated by the action of economic and social forces, and may, in fact, be regarded as a natural phenomenon accompanying the growth of the factory system of manufacture. It has developed against the opposition of extreme doctrines of free contract, and having demonstrated itself in the facts of actual life has also created a new theory of the relation of the state to labor and industry.

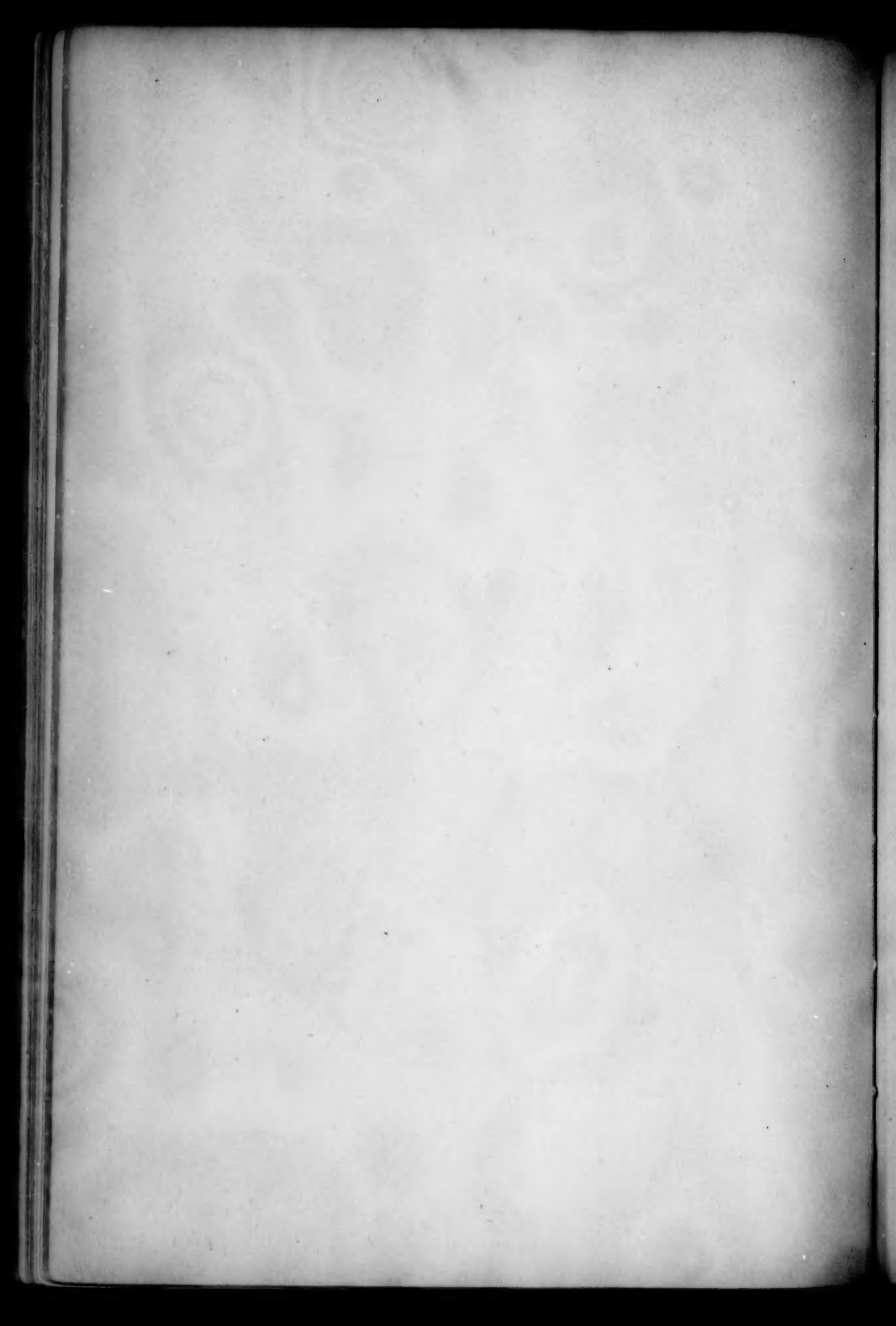
"The state may determine the plane of competition; it may equalize the conditions of contract as between employer and employee; it may intervene to protect the standard of living of the workers. The only limits that theory places upon these lines of interference are considerations of the general good."

In the historical development of factory laws, well-marked tendencies are traceable. The early attitude of timidity has given place to that of peremptory command. Progress has been steadily toward increased severity in the regulations imposed, increased exactness in detail and definition, towards distinctly placed responsibility and towards more adequate inspection.

The expansion of industry in this country has of course been accompanied by a like territorial extension of the labor laws. Accomplished through the independent action of the several state legislatures, the result has been an unfortunate confusion of unrelated and non-uniform measures. One of the recent and most important tendencies of this legislation is the movement for greater uniformity, made especially prominent by the attention given to it as a part of the study of the Industrial Commission. It indeed seems probable that these efforts will eventually issue in the determination of a minimum standard of labor legislation for the

country as a whole, above which common basis the states will rise in grade according to the development of industrial organization and consequent increase of regulation demanded. This is necessarily a matter of voluntary conformity on the part of the separate state legislatures and therefore a fulfillment to be awaited with all patience.

VI. Juvenile Courts



Probation and Juvenile Courts

By Mrs. Emily E. Williamson, President New Jersey State Conference of Charities and Corrections

PROBATION AND JUVENILE COURTS

By MRS. EMILY E. WILLIAMSON, ELIZABETH, N. J.

President New Jersey State Conference of Charities and Corrections

Perhaps the most practical movement in penal reform is probation, putting a stop as it does to the source from which crime is recruited. The principle involved in probation is prevention and, where properly applied, has resulted in a very large diminution of crime. Massachusetts reports a falling off of 75 per cent in juvenile crime, owing to probation. Juvenile and first offenders should never be dealt with as real criminals under the law except in special cases of depravity. Penological science lays down general rules for the treatment of juveniles and first offenders, absolutely prohibiting imprisonment except for those convicted of flagrant crimes, as it breaks down self-respect, placing a stigma on character that is never removed. Its deterrent power is destroyed with its relief from care and comfortable support and it hurts the physical, mental and moral health of the prisoner. The main object in the sentence of the convicted juvenile or first offender should be his rescue from a criminal life; therefore a complete investigation should be made of his character, home and environment before trial.) In Massachusetts the probation act requires a probation officer to inquire into the nature of every criminal case brought before the court, and he may recommend that any person committed by the court be placed on probation. The question for the court, upon the information of the probation officer, is to decide whether it is safe for society to allow the prisoner to go at large. It has become an established fact among the people of Massachusetts, after several years of trial, that in the administration of justice the probation system has been wise and beneficial.

The probation law enacted by the legislature of Illinois in 1899 declares the purpose of the law to be as follows: "This act shall be liberally construed to the purpose that its end may be carried out, to wit: that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents; and in all cases where it can be properly done, the child be placed in an approved family home and become a member

of the family by legal adoption or otherwise." The Illinois juvenile court in its instructions to probation officers states that it will be the endeavor of the court to carry out both the letter and the spirit of the foregoing act, and to this end the court will have in mind the following considerations: *The Welfare and Interests of the Child*.—To save the child from neglect and cruelty and from the danger of becoming a criminal or dependent. *The Welfare of the Community*.—Lessening the burdens of taxation and loss of property through the ravages of the criminal class and by preventing pauperism and crime. *Temporary Care*.—The law forbidding the keeping of any child in a jail or station-house, a place of detention is provided under the care of the court. Whenever practicable the child is to be left with his parents or with some suitable family. *Supervision After Action of the Court*.—The probation officer is expected to keep a special oversight of the child by frequent visits at regular intervals and by reports from parents or custodians.

In Pennsylvania the law requires that the probation officer shall be notified when any juvenile offender is brought before the court, that he shall make such investigation as shall be directed by the court, be present to represent the interests of the child when the case is heard, furnish such information and assistance as the judge may require and take such charge of any child before or after trial as may be ordered.

Massachusetts, Rhode Island, Pennsylvania, Illinois, Indiana, Minnesota and New Jersey have state probation laws. San Francisco and Washington, D. C., have probation officers for the cities alone. New York has at last provided for probation and also for children's courts, but the plans are not yet completed.

Voluntary probation officers in many cases in the large cities assist the paid officer, and in Chicago, Philadelphia, Boston and New York the child-saving societies of all denominations have placed officers—appointed by them for this purpose—at the disposal of the court. Their services have always been accepted. In New Jersey the State Board of Children's Guardians greatly assists the county probation officers. Wise child-saving work can be done with this mutual co-operation.

In March, 1900, a bill prepared by Justice Franklin T. Fort, of the Supreme Court, was passed by the New Jersey legislature, providing for the appointment of probation officers and authorizing judges of the Courts of Quarter Sessions to appoint one probation

officer and, with the consent of the board of county freeholders, as many other probation officers, not exceeding three, one of whom may be a woman, as the judge deems wise. The classes of offenders who may be probated, *i. e.*, respecting age, etc., is left entirely to the discretion of the judge. Seven counties in New Jersey have probation officers—Hudson, Essex, Morris, Union, Middlesex, Mercer and Atlantic

In February, 1902 at my request, I was appointed, by the court, probation officer for Union county, New Jersey, to serve without salary, the court granting fifty dollars a month for a clerk and allowing necessary expenses—in all not to exceed eight hundred dollars annually. The following are the descriptive blanks and rules prepared by me and allowed by the court. In addition, case cards are kept in which all records in detail are entered. A synopsis of each case is also entered in a history book which is easily referred to by an index kept on the Dewey plan. Each probationer is visited by the probation officer or her clerk once a month and in special cases oftener. The probationer reports regularly at the office, either in person or by letter, at such times as directed.

UNION COUNTY PROBATION OFFICER.
RECORD.

No.				
Name				
Address				
Age	Height	Weight		
White or colored		Color of eyes	Hair	
Complexion				
Special marks				
Religion		Church		
School		Teacher		
Nationality		Married or single		
Number of children, names and ages				
Occupation				
Employer's name and address				
Father's name and address	Occupation			
Mother's name and address	Occupation			
Other members of family				
Previous offense				
Present offense				
Date committed to Probation Officer		Years expire		

Fine, \$	Costs, \$
Re-arrested	
Cause of Re-arrest	
REMARKS:	
	Ledger number

 UNION COUNTY COURT OF QUARTER SESSIONS

RULES GOVERNING PROBATION.

THE PROBATIONER is required by the Court,

FIRST.—To furnish promptly, by letter or in person, such information as the Probation Officer may require.

SECOND.—To mail on the first of each month a letter, stating his present residence and occupation, place of employment and the name of his employer; also the number of days employed during the previous month, the place or places of employment and the names of his employers. If the Probationer is of school age, the number of days of school attendance must be given. The truth of these facts must be certified by parent, employer, school teacher or some other person satisfactory to the Probation Officer.

THIRD.—Evil companions and bad associations must be avoided. Strict temperance must be observed. The Probationer must in every way conduct himself as an upright and law-abiding citizen.

FOURTH.—To report promptly to the Probation Officer every change of residence. To consult the Probation Officer before moving out of the State of New Jersey or out of Union County.

FIFTH.—If the Probationer undertakes to pay fines or costs at stated periods these payments must be prompt. If unable to meet the obligation promptly he will send advance notice to the Probation Officer.

The probation period is three years. If during this period of trial the Probationer fails to observe strictly each of the above rules, he is liable to be taken into custody at any time by the Probation Officer to serve the full term of his suspended sentence. Liberty depends entirely on the good conduct of the Probationer.

During the three months that I have held this office twenty-six cases have been probated to me by the judge of the county court and forty-six by the police justices of the county. The ages of the probationers and the character of the charges made against them are as follows:

	Total number.	White.	Black.	Catholic.	Protestant.	Jew.	County Court.	Police Court.	Embezzlement.	Larceny.	Disorderly conduct.	Assault.	Malicious mischief.	Mischief.	Tuancy.	Previous offenders.	Probated without trial.
Males over 16 yrs.	31	25	6	12	18	1	14	17	1	11	16	2	1	1	1	12	
Males under 16 yrs.	28	28	..	30	6	2	6	22	..	7	9	1	5	1	5	13	
Females over 16 yrs.	6	4	2	3	3	..	2	4	..	..	4	..	2	..	..	4	
Females under 16 yrs.	7	6	1	6	1	..	1	2	..	6	1	..	..	..	..	..	4
	72	63	9	41	28	3	23	45	1	24	30	3	8	1	5	29	4

The secretary of the New Jersey State Charities Aid Association in his report says: "It is easier in Union than in most counties to learn whether such an officer is needed by the court, by the prisoner and by society, for the records of the Union County Jail are exceptionally complete. The Warden's report contains statistics on two most important points—the ages of the prisoners and the number of the commitments. These two points are most important because the probation system presumes that all persons who are inexperienced in crime, whatever their actual age, can be better treated under supervision outside of jail than in idleness within jail.

"The New Jersey law was made broad enough to include both children of 7 years and adults of 83, except where safety demands the prisoner's incarceration. From the Warden's report it appears that 591 persons were sent to the county jail last year for terms averaging twenty-nine days. Of this number only 181, or 30 per cent, had served previous sentences. The great majority, 70 per cent, or 410, had never been previously committed. Among these first commitments are found persons of every age from 7 to 70 excepting 52, 56, 58, 62 and 69, while the years 71, 77 and 83 have one representative each. Take what age we will, public sentiment would approve another chance outside of jail, for every first offender, provided the dignity of the law and the welfare of society would be in no way jeopardized by suspending sentence. Our probation law provides for failures to reform outside of jail and gives to the probation officer and the court power to inflict the

original but suspended sentence at any time within three years from the date of conviction. It is manifest that every successful case of probation nips in the bud a potential and probable career of crime."

The oversight of adult first offenders by a probation officer is of immense value in reforming the offender and also results in a great saving of expense to the taxpayer. The first is the primary object and probably I cannot do better than cite some cases which are under my care: J. E., aged 22, a bright Irishman, not intoxicated, in a quarrel which took place in a saloon, interfered and used too much strength in separating the combatants; charged with malicious assault, court would have committed him to county jail for six months had there been no probation officer. Probation officer returned the man to his home, helped him to secure employment, visited his accuser and warned him not to molest J. E. Young man's weekly calls to report have become friendly visits; he is always well dressed and is entirely self-respecting.

N. M.; American; aged 59; painter; married; offence—grand larceny; never arrested before; while drunk, stole mayor's horse and buggy from hitching-post on main street; man not an habitual drunkard, character good, provided comfortable home for his family, always industrious and kind. Had there been no probation officer N. M. would have been sent to state prison. He is now doing well and reporting regularly.

Two boys, 9 and 12 years, arrested on charge of disorderly conduct (threw a fish-head at an old woman); belonged to the "gang;" had fairly good homes; did not attend school regularly; found upon investigation to be mischievous and truants only. Probation officer handed boys to truant officer, who immediately placed them in school. Boys report each week, come to office in Sunday clothes and evidently enjoy these visits. One lad has been employed on Saturdays, by probation officer's clerk, doing odd jobs and is very proud of this evidence of favor. There has been a great improvement in the whole family owing to pressure through this little fellow.

In cases of non-support which are always tried before police justices, probation has proved of inestimable value. The following is an example: Mr. B. drank occasionally, earned eighteen dollars a week and failed to support his family; was arrested and handed to the probation officer. After a thorough investigation, including conditions in the home, the man was ordered to request his em-

ployer to hand Mrs. B. ten and one-half dollars every week—one and one-half dollars for each of the five children and three dollars for Mr. B.'s own board. Besides this the man was required to pay the house rent, eight dollars a month. After the first month, at the request of the wife, he was allowed to give her the money himself. Each week the man reports the payment. Had Mr. B. been sent to jail, he would have lost his self-respect and his situation, he would have become an expense to the taxpayer and his family dependent on the charity of the community.

Three little Polish girls, aged 9, 10 and 11 years, arrested and indicted by the Grand Jury for grand larceny; on investigation found parents, who could not speak English, were not implicated; homes above the average. Children had stolen ribbons, lace and other articles for personal adornment, saying some had been presents; others were hidden between two old mattresses in a garret; parents terribly frightened when discoveries were made. Upon arrest of children and after bail had been secured, I began to take supervision of them; examined each one separately at my office; sent for priest, and arranged for daily instructions by the Sisters—little girls had been regular attendants at school. Later, without trial, they were probated to me by the court for an indefinite period.

The police magistrates of Hudson and Union counties avail themselves of the services of the probation officers and it is in these courts that good preventive work can be done by seeing the accused as soon as a charge is made and by investigating the case before trial, and also, in many instances, preventing the charge being entered by talking the matter over and promising to see the accused. In Elizabeth, the largest city of Union county, arrests and commitments have fallen off 40 per cent since the work of the probation officer has become known.

Three Italians appeared at my office, one to complain of two boys and the others the fathers of the boys. These men had come to ask me to take charge of the little fellows, who were mischievous and annoyed the complainant. All three were satisfied with my decision.

A Jew, who was in the habit of making charges of disorderly conduct against mischievous boys, after a talk with me, promised to bring no more children before the court until I had investigated each case for him. He had not realized the serious harm inflicted upon the boys' characters by their being brought into court.

At the end of an hour he was fully convinced. The railway detectives also report cases to me before making charges and abide by my decisions.

There is great danger of perfunctory work on the part of the probation officer and very grave danger from the uneducated officer. Public opinion has still to be aroused; therefore the need of the best work along these lines. Where good work has been done, the public has recognized that the practice of inflicting short terms of imprisonment for minor offences is useless and harmful. The need of men and women of sound judgment and high character for this work is great, and in the development of the system it is hoped that many specialists will devote some time to the installation of the work and help to bring about the proper administration of the law.

Boston was the first city to set apart special hours for the trial of juvenile offenders, and the excellent way in which these trials are managed is an object lesson worth studying. Persons not connected with the trial are required to leave the court room, the officer who made the arrest tells his story, the complainant his, and the witnesses are examined. The child is called to the judge's desk and tells his story in a quiet voice. Confidential relations are at once established between the child and the judge. The probation officer then makes his report upon the case, after which the judge announces his decision.

The same methods are employed in Chicago, Philadelphia and Minneapolis and will be in New York. In Chicago, a judge has been appointed who only tries children's cases; in New York, a judge is to be chosen from time to time. The value of this way of conducting juvenile trials cannot be overestimated, as it robs the trial of all the sensational element. It also makes it easy for the various child-saving societies, such as the St. Vincent de Paul, Children's Aid and Prevention of Cruelty to Children and for truant officers to co-operate with the court.

The following is a pen-picture of a trial held before the court in which I am probation officer: Court room crowded, twenty-two lawyers present; prosecutor reads the indictment. Boy eleven years old arrested for stealing brass worth eighty dollars, from railroad, and selling it to a junk man for twenty cents; had been bailed by kind neighbor, who delivered the boy. Court officer calls witnesses; boy brought; so small that his eyes are just on a line with the

rail; boy weeping; prosecutor exclaims, and says boy should be in day-nursery; audience in back of room rises and presses forward to look at boy; lawyers inside of rail jump to their feet; court raps for order; boy realizes that he has become an object of pity and curiosity, cries louder and calls for his mother, who comes forward with a baby in her arms; judge and prosecutor confer, boy is handed over to probation officer to be produced to stand trial when called, virtually ending the matter.

The Juvenile Court in Philadelphia

**By Judge Abraham M. Beitler, Court of Common Pleas No. 1,
Philadelphia**

THE JUVENILE COURT IN PHILADELPHIA

By JUDGE ABRAHAM M. BEITLER

Court of Common Pleas No. 1, Philadelphia

At its session in 1901 the legislature of our state passed an act, with a rather lengthy title, which has become known as the Juvenile Court Act. It passed the Senate by unanimous vote and in the House there were but three votes against it and one hundred and forty-seven for it. The act commits to a Judge of the Court of Quarter Sessions some new powers, and imposes upon him some new duties.

The scope of these powers and duties is, I am sure, understood by but few. That there may be a wider acquaintance with the new law and a clearer appreciation of the benefits possible to be secured by its enforcement, I have tried to condense into a brief article a statement of its salient features, and, besides, to give some data as to the work done since the act was put into operation in Philadelphia.

The act deals only with juveniles, and only with those under sixteen years of age, and of juveniles under sixteen only with the unfortunate and the erring. By its terms it applies to "dependent or neglected" children, and "delinquent" children. The first class, the act says, shall include any child who is destitute or homeless or abandoned or dependent upon the public for support, or who has not the proper parental care or guardianship, or who habitually begs or receives alms, or whose home, by reason of neglect or cruelty or depravity of the parents, is an unfit place for such a child, or any child under eight years of age found peddling on the streets.

A "delinquent" child is one who "violates any law of this state, or any city or borough ordinance."

The Court's jurisdiction may be invoked by a petition, which must be verified by affidavit, stating that the child therein referred to is either dependent or neglected or delinquent.

Upon the filing of the petition, the Judge may issue either a summons or a warrant. The former requires the party having the custody of the child to produce it in court. The latter imposes the

duty of bringing the child into court upon the officer armed with the warrant. Pending the final disposition of any case, the child may be retained in the possession of the person having it in charge, or in some suitable place provided by any association having for one of its objects the care of delinquent or neglected children.

As a matter of fact, very few cases are brought into court upon either summons or warrant. The Judge holding the court finds, upon the day fixed for the hearing of juvenile cases, that he has, perhaps, twenty-five cases on his docket, and to him they are all new cases. Most of them originated in the magistrates' courts or in the station-houses.

The parent or parents of a child or children, for instance, may have been arrested for drunkenness or vagrancy. The magistrate hearing the case sends the parents perhaps to the House of Correction, and then something must be done for the immediate care of the children. They are turned over to the Children's Aid Society or the Society to Protect Children from Cruelty. On the day for the hearing of juvenile cases, the children will be brought in by the Society's agents, and a petition will be filed setting forth briefly the facts.

Sometimes the children are abandoned or homeless waifs turned over to the Society by the police.

The Judge sitting in the Juvenile Court proceeds to inquire carefully into each case. He has the assistance of the prior examination into the facts of each case by the Society's agents. Sometimes the power of the Court is invoked to compel the attendance of relatives, or even of parents. After a careful hearing, the case of each child is decided, and a decree made. The testimony heard is taken down in a short narrative form by a stenographer, and then typewritten and filed for future reference. If the Judge is satisfied that the parent or parents of a child ought not to have the custody of the child, but are able to contribute to its support, he may make an order requiring the payment of such sum as the circumstances warrant. Children are sometimes turned over to relatives, and sometimes to a charitable society, regard being had always to the religion of the child in selecting the society.

Delinquents generally come into court from the magistrates' courts; sometimes directly, sometimes from prison.

Now that the act is being better understood, and its benefits more generally appreciated by the magistrates and the police, a

probation officer is usually advised when a "delinquent" is taken into custody. The hearings are generally held by the magistrate at the station-house, and in a large number of cases, perhaps in a majority of cases, a probation officer is present to hear the testimony against the child and to set on foot an investigation not only of the charge on which the child is held, but as to his or her previous record and home life and surroundings. It is earnestly to be hoped that all our police lieutenants and police magistrates will speedily come to appreciate how greatly the probation officer can assist them and the Court, and will let no case be heard without having previously notified the nearest probation officer.

It is in the handling of these "delinquent" cases that the Judge has the most delicate and difficult tasks imposed on him. Sometimes the boy or girl is charged with some trifling offence, and the investigation made by the probation officer shows that the child is not really bad. The probation officer goes to the child's home; if he attends school she calls on his school-teacher; if he attends Sunday school she communicates with the Sunday school teacher; if he works, she goes to his employer, and endeavors in every way to ascertain what the child's previous life has been and what his home surroundings are.

Sometimes it is apparent that even where the child is not depraved or incorrigible, it is best for his sake that he shall not be returned to his home. A single case will serve as an illustration.

Recently, a boy of thirteen was arrested for larceny. He was guilty. His father was a drunken brute. His mother was a hard-working, honest woman, but in the household she was a mere drudge, without voice or influence. The father sent the boy upon the street to steal. The Judge before whom the case came, heard the father and mother. The father promised to behave himself. The mother begged to have the boy returned to her. He was sent home, and a probation officer appointed in his case. Two months later, the boy was again arrested for larceny. The case against him was clear. This time the Court refused to listen to the pleadings or the promises of the parents, and committed the boy to the House of Refuge. The first time the boy was in the Juvenile Court was perhaps not the first time he had offended. Had we had a Juvenile Court into which he could have been taken when he made his first departure from the path of rectitude he would have been perhaps committed to the Children's Aid Society, and

that Society would have found him a home with some Christian family and his whole life would have been changed for the better. As it is, he has been committed to an institution whose splendid work in reclaiming incorrigibles gives every hope that the boy will yet turn out a good citizen.

What to do with a bad boy is a problem as old as time. If the wisdom of the past had given us one formula to follow, the task imposed on the Judge dealing with "delinquents" would be simple, but the question every time it arises is as new and as difficult as when it was first presented. That some boys would be better off if severely punished, the first time they lie or steal, is undoubtedly true. That the way of the transgressor is hard ought to be taught both as a moral precept and an actual fact. Still, the question in every case is, how shall this boy be handled? With the best motives and after the most careful and patient inquiry, the Judge can at best but guess. To send the boy home from Court after his guilt had been confessed or established, and do nothing more, as was frequently the old way, was often to give rise to the belief on the part of the boy that the law is not stern but lenient, and that after all, to steal, to be caught, to be convicted and to face a Court is not a serious but a trifling matter. To his companions the released boy was often a sort of a hero. The bad effect on him reached to all who were of his age and class and knew of his lucky escape. On the other hand, to refuse to send the boy home left but one alternative, to commit him to prison or to the House of Refuge.

Whether committed or sent home, the boy was given but little chance in comparison to that which the Court can, under the Juvenile Court Act, now extend to him.

This brings us to consider the probation officer.

The act says, Section 6:

"The Court shall appoint or designate one or more discreet persons, of good character, to serve as probation officers during the pleasure of the Court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any Court, it shall be the duty of the Clerk of the Court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said Court; it shall be the duty of the said probation officer to make such investigation as may be required by the Court, to be present in order to represent the interests of the child when the case is

heard, to furnish to the Court such information and assistance as the Judge may require, and to take such charge of any child before and after trial as may be directed by the Court."

Section 9 is: "In the case of a delinquent child the Court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer duly appointed by the Court, and may allow said child to remain in its own home subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the Court for further proceedings whenever such action may appear to be necessary; or the Court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer; or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the Court may commit the child to a suitable institution for the care of delinquent children."

It is just here that the Juvenile Court Act, in my judgment, offers its greatest good and opens up a new chance to deal intelligently with the case of a delinquent. Instead of making the child promise to be good, and sending him home, the Court places him in charge of a probation officer, and then lets him go home. Sometimes the result is that, for the first time a boy is given a fair chance in the battle of life to make something of himself. Many of the cases of delinquents brought into Court exhibit weakness, incapacity, and sometimes a worse condition on the part of the parents. Their offending is sometimes passive, sometimes active. The probation officer becomes the boy's watchman and his friend, guarding him against himself, and, in some cases, against his parents.

A few months' practical working of the act has shown what a wonderful agency for good the probation officer is. I shall speak of the officer in the feminine, because most of them are women.

She has, by reason of her appointment by the Court, an official position. Her station is one of grave responsibility and great honor, but of no profit. The act distinctly says that the officer shall receive no compensation from the public treasury. This will

keep them from the contaminating touch of party politics, and prevent this particular office being sought after.

The probation officer is the child's friend, but the Court's adviser. Each boy is kept under surveillance. If, after the promises he and his parents have made to the Court, he stays away from school (if his parents can send him) or refuses to work or goes with his former associates, if they are bad boys, he is warned, and if he will not mend his ways, he is brought back to Court, and then the Judge has more knowledge of the case to guide him in intelligent action.

The first session of the Juvenile Court in Philadelphia was held July, 1901. Since that time there have been, up to May 21, 1902, 1,378 cases before the Court. Of these, 481 have been dependents, and 897 delinquents. But fifty-six have been sent to the House of Refuge, and of the rest (returned to their homes in almost every case) but thirty-three have been before the Court a second time. Most of these were given a second chance, and in but one case has the Court had a boy brought back more than once. He was, on his fourth appearance before the Court, committed to the House of Refuge.

One probation officer to whom since last July nearly one hundred children have been committed, told me recently that she had had but one child backslide. Surely such a record would be, if there were no more like it, sufficient warrant for saying that the act will do great good.

The whole scheme of the act is to prevent delinquents from becoming criminals. It is an act for child-saving. Its benefits, though conferred directly upon the child, are reaped by the entire community. It is the ounce of prevention which is far, far better than the pound of cure. It aims to place the erring child, of years too tender to yet fully appreciate the dangers ahead, under the restraining and guiding hand of an officer of the Court, who is at the same time the child's friend.

The restraint is that of oversight; the guidance that of kindly admonition and advice, backed by that power everywhere recognized, the power of the law.

Juvenile Courts in Buffalo

**By Frederic Almy, Secretary Charity Organization Society,
Buffalo**

JUVENILE COURTS IN BUFFALO

By FREDERIC ALMY

Secretary and Treasurer Charity Organization Society, Buffalo

Juvenile probation is no new thing. It has been used in Massachusetts since 1869, or for over thirty years, and for the same length of time in that state a statute has required that children's cases should be "heard and determined by themselves, separate from the general and ordinary criminal business of said courts." There is no separate children's court in Massachusetts, but in some of the courts the session for adults is formally adjourned, and the room is cleared of all except those who have to do with the juvenile cases; in other courts the session for juveniles is held in a separate room or in the judge's private room. In either case there are evils, as is shown in a letter from Mr. Charles W. Birtwell, secretary of the Massachusetts Children's Aid Society: "Unfortunately in all the courts juveniles under arrest are apt to be mixed with adults while waiting during the hour or so preceding the trial. If not under arrest but only summoned, they may wait in the outside lobbies, but get more or less mixed with the throng about and in the court room."

The first juvenile court was opened in Chicago in 1899 and at once had wide notice, largely through the excellent work of the monthly periodical, the *Chicago Juvenile Record*. It was through this juvenile court that the probation system first became general. Mr. Folks tells us, in his "Care of Delinquent Children," that "the system did not secure formal adoption, so far as we are aware, in any other state than Massachusetts until the enactment of the juvenile court law in Illinois in 1899." "In 1901," he says, "the probation system is in actual operation, or is provided for by statute, in fifteen of the twenty-five largest cities of the United States," and the number is now rapidly increasing. It is another instance of the contagion of ideas which in this century outstrips the contagion of disease.

On February 26, 1900, the Buffalo Charity Organization Society appointed a committee on probation which held several meetings, but found that nothing could be done without legislation,

which it was then too late to procure. A law passed May 1, 1901, through the efforts of this committee, allowed the Buffalo police justice to suspend sentence with juvenile delinquents, and place them under probation for a term not exceeding three months. The act allowed him to appoint five unsalaried probation officers, and provided that when practicable the probation officer should be of the same faith as the child placed in his care. The court opened July 1, 1901. By an amendment passed in February, 1902, the number of probation officers, still unpaid, was increased to ten, and authority was given to extend the probation for additional terms of three months in the discretion of the judge. A state probation law was also passed in 1901, but was so amended that it applied only to those over sixteen years of age. Consequently in New York State, outside of Buffalo, a chance is given to adult delinquents which is denied to little children.

Under the new New York City charter a juvenile court was created for the boroughs of Manhattan and Bronx (excluding Brooklyn), but with no provision for probation. This juvenile court was to open January 1, 1902, but for some reason did not do so.

Judge Murphy, of the Buffalo Police Court, was an active member of the committee of the Charity Organization Society which procured the probation law. Although the law was permissive only, he at once put it into effect, and also on his own motion transferred all his juvenile cases to a separate building, several blocks distant from the police court, where he holds his juvenile court on Tuesday and Friday afternoons. The great success of the court in Buffalo is chiefly due to his interest. Where for any reason a good judge is not available a juvenile court must suffer, for probation gives many opportunities for favoritism to both the judge and the probation officers. It is hardly too much to say that the character of the court will be the same as the character of the judge.

Of the ten probation officers in Buffalo all are unpaid for this special work, but two are truant officers, two are officers of the Charity Organization Society, and one is the head worker of Welcome Hall, a leading settlement. The city is divided into two districts, in each of which there are a Catholic and a Protestant female officer for the girls and the younger boys, and a Catholic and a Protestant male officer for the older boys. There are a Jewish officer and a Polish officer for the city at large.

It is not perhaps desirable to recapitulate here the peculiarities of all the juvenile courts. In Massachusetts and St. Louis the probation officers are paid. In New Jersey the court costs are paid them. In Chicago, Pennsylvania, Milwaukee and Buffalo they are unpaid, or paid from private sources. In Chicago the probation is until the child's majority. In Boston, as in Buffalo, it is for short terms renewable on their expiration. It seems as if the short term would give the child a goal in sight and so help his striving.

The Buffalo juvenile court has not quite completed its first year, and no definite records have been compiled, but two results are already notable—the decrease in the number of commitments to the truant school and to reformatories, and the increase in the number of children arrested. The first result was expected, for many children are now cared for in their homes under probation who would otherwise have to be sent to the public truant school or to a reformatory. The second result was not anticipated, but is in this way excellent. Much juvenile lawlessness formerly ran riot without arrest because the officers knew that the judge would not send a child away for petty offences, and mere rebuke meant so little that the child fresh from court would jeer at the officer who had arrested him. With probation an arrest is taken more seriously by the children. At a recent session of the court Judge Murphy called attention to this increase in the number of arrests, and recommended legislation which should make convictions in the juvenile court inadmissible as evidence of character in either civil or criminal actions, so that mere juvenile peccadilloes could not constitute a criminal record.

The economy of probation greatly reinforces the support of the system on ethical grounds. It is not often that a measure of social reform makes an immediate appeal to the taxpayer, but probation relieves him from the public maintenance of many delinquents who under this plan are maintained at home at their parents' charge. In Massachusetts, where probation has been in operation many years, the district attorney has prepared figures showing that it has saved the state much more than the cost of its operation, though it is administered there by salaried probation officers. On the side of morality the saving is still greater, though less definite. If this saving of character could be translated into dollars and cents the cash gain to the state through the

diminution of crime would be seen to be even greater than the saving in maintenance.

Again, the presence daily in the court of a group of disinterested men and women of character helps to maintain the moral tone of the court. They sometimes see things which the court unaided might not see. More than once in Buffalo pettifogging lawyers, who have been reaping fees from parents on the pretence that their services caused the judge to put children on probation instead of sending them away, have been excluded from the court on report of the probation officers as to their practices.

The teachers usually co-operate willingly in filling out the weekly cards which show the behavior and the attendance of a child while on probation, and they use their influence to hold children to their best. Some have spoken with wonder of the favorable effect of probation on the school work.

A day in a juvenile court is fascinating, and the experiences of a probation officer are not less so. The little, curly-headed culprits are so anxious to tell their story to the judge, or sometimes so stolid, that either way it is pathetic. There is much weeping when children are found guilty, and sudden relief when the meaning of probation is explained to them, and the confidences made to the probation officer are irresistible. In many of the courts the proceedings are quite informal, and the children stand close to the judge and talk confidentially with him, without fear.

The care taken to keep children from contact with the adult criminal courts extends also to the jail. In several states the law prescribes that children shall not be lodged either in the jail or in the police court. If the child is unable to give bail, some place other than the jail or police court must be provided. In Pennsylvania a separate act, passed after the juvenile court law, authorizes the establishment of houses of detention. In Wisconsin it is provided that when a child has been sentenced he must be kept wholly apart from adult prisoners until he is committed. The period after arrest and before trial is also guarded.

It has been well said that the practice of arresting persons accused of minor offences, who are not in the least likely to fail to appear if merely summoned, is a relic of earlier times and should be abandoned. In Buffalo it is the general practice on arrest to take the child to a station-house and then let him go home under

promise to appear in court at the time stated, and as yet there has been no failure to appear.

Criminal law has relied too much upon confinement and compulsion, both of which involve cost to the state and rancor and sullenness in the individual. The features of probation are first, the retention of natural conditions, in the home, if it is at all fit, and second, loving, patient, personal service. Instead of withdrawing the child from the environment in which it lives, it tries to assist that environment. It is possible to draw many analogies. In medicine we now give fewer drugs and rely on the natural powers of the body with the personal service of trained nurses. In charity we give fewer alms, and rely on the natural resources of the family with the personal service of trained friendly visitors. In government we use less law, but rely on natural forces with the aid of the Church, the school and other instruments of social reform.

With children the question of reformation is especially important. The chief cause of crime has been said to be neither intemperance, nor avarice, nor lust, but neglected childhood, for neglected childhood means neglected character, and at an age when character is still plastic. Children under arrest for the first time are more peculiarly susceptible to influence than even other children, and the impressions made at this crisis go far to fix their lives. If you catch character young, and at the right moments, you can do almost anything with it. It is even possible to confine the baser parts of a child's life, as the Chinese do the feet of their children, so that the development of these baser parts will be permanently stunted. Swaddling environments, continued for years, can do much to form character by compulsion, so to speak, and to thwart the growth of what is undesirable. This exclusion of evil is the method of the military school and of the reformatory of the military type. There is something unnatural about it, but there is no doubt that in this way habits can be formed; and there is an inertia of character which makes good habits difficult to break as well as bad ones.

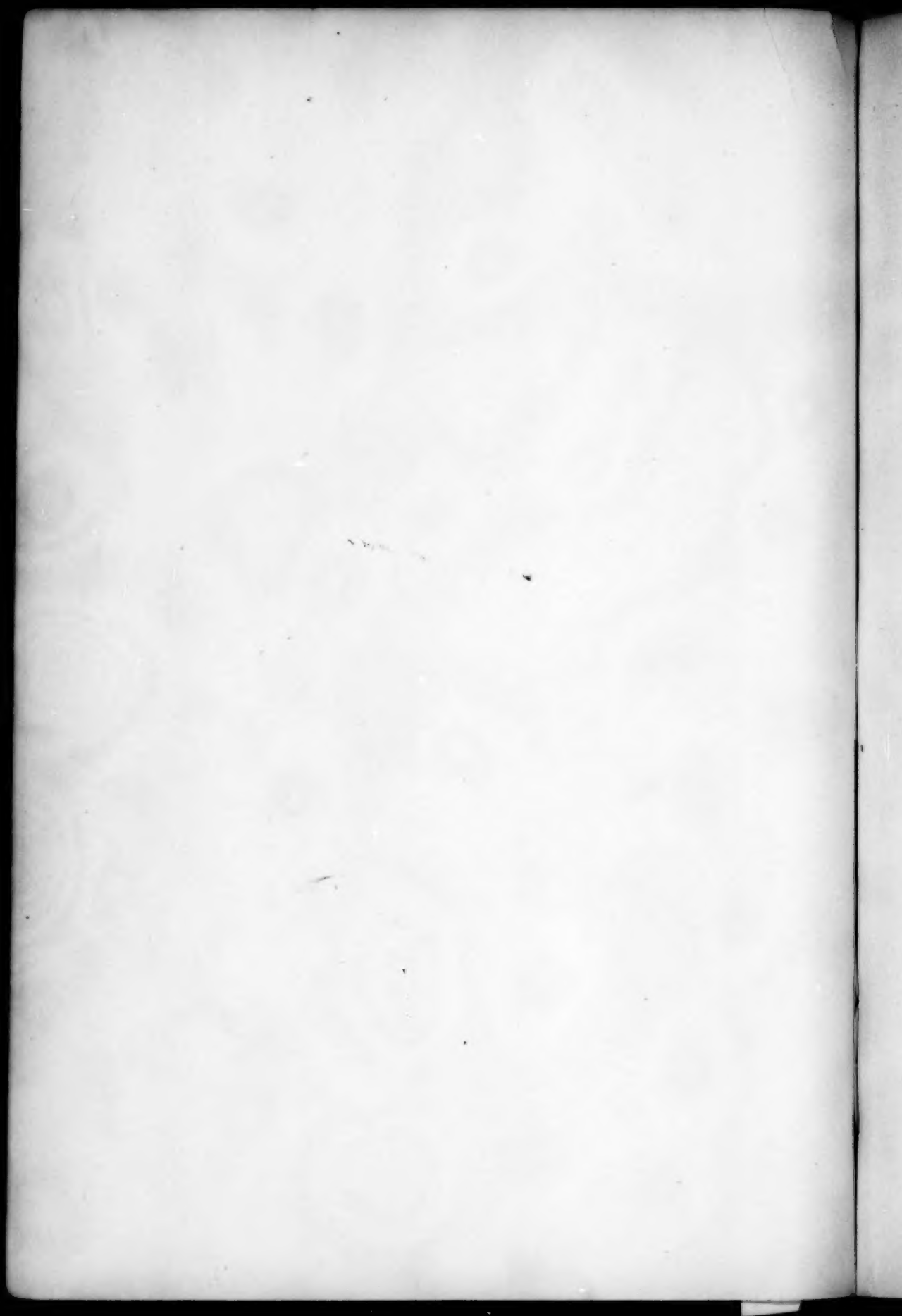
The other method is to leave the natural conditions with as little disarrangement as possible; to let the feet grow and become a support for the whole body; to take the activity which might become crime and turn it into industry; to take the affection which might become lust and turn it into love; and to do all this as far as possible under natural conditions. It is possible to do

this, not by a high wall which wards off all contamination but casts a shadow on the young life within, but by applying some antiseptic which will make the contagions of daily life harmless. Those of us who with Milton "cannot praise a fugitive and cloister'd virtue, unexercis'd and unbreath'd," believe that everywhere character is better formed by liberty than by force. Antiseptics against temptation are being found by modern charity. I would wish to leave a child undisturbed in its home, if the home is decent, and trust to the Church, the school, the tenement house law and the settlements, as antiseptics against contamination; next to this I would leave the child at home, but under probation; next I would seek a foster home, well chosen and well watched; next, for some children, an open reformatory of the free type exemplified in the George Junior Republic; and last, a reformatory of the more military type. In confinement a boy may find himself kindly and wisely treated, but his social side is not much considered, and this is not in keeping with modern pedagogy. Very much can be done through a boy's affections.

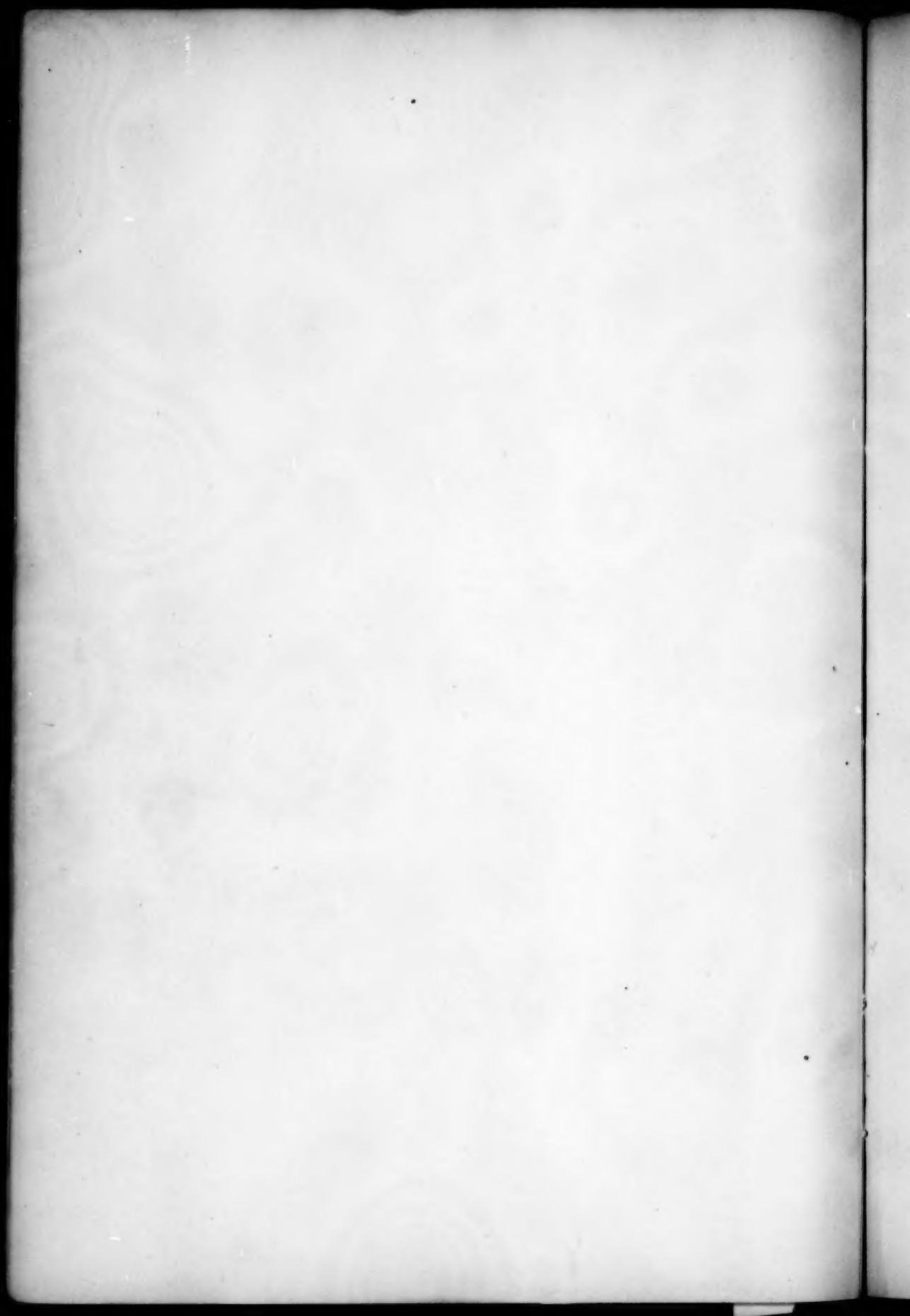
Where the germ of pauperism or of vice cannot be killed, may there not be a treatment by antitoxin, as at the George Republic, by deliberately helping the poison to run its course in a mild form in order to prevent future attacks? It may be well to let a boy be idle and lazy for a time and suffer all the consequences of hunger and cold; to let him be violent, and as a penalty be duly and severely punished by his peers; in fact, to give him a brief rehearsal of life under natural conditions which will be very profitable when life arrives in grim earnest. These lessons are taught in a reformatory of the military type, but the more voluntary and natural the lesson is, and the more the child can be made to feel that he has chosen his own course and experienced its natural result, the deeper will be the impress on his life.

It seems to be the lesson of the past century, the lesson alike of charity, of Christianity, and of civilization, that, in forming character, force must give way to freedom with love. A militant Christianity has already been condemned, and a militant civilization is as bad. I believe in civilization by contact, in civilization by commerce, but not in civilization by conquest. Force leaves rancor and reaction, and the slower method of Christian example is more sure. The United States has been called the pioneer in an age of republics, but it is not through its force, but

through its example, that in neither North nor South America is there to be found a king. The republics of Central and South America stumble and fall and make many errors, but they are slowly developing good secondary education and commercial stability. India and Egypt, with an original civilization and under as intelligent and benevolent tutelage as the world has ever known, are less fit to-day for self-government. With boy life as with national life, we may well stop to ask whether the least possible interference and the largest possible freedom, even with all the mistakes and struggles which this involves, will not build character most surely in the end.



vermiforme.
Appendix



Report of the Academy Committee on the Sixth Annual Meeting.

SIXTH ANNUAL MEETING
OF THE
American Academy of Political and
Social Science

Philadelphia, April 4 and 5, 1902

"SOCIAL LEGISLATION AND SOCIAL ACTIVITY"

The Sixth Annual Meeting not only met the expectations of your Committee, but was generally regarded by those who attended as completely fulfilling the high standards which were set by its predecessors. The sessions were largely attended by members from different parts of the country; in fact, the leading characteristic of this meeting was the large attendance from points at a considerable distance from Philadelphia. The Annual Meeting of the Academy has assumed the proportion of a national convention to consider the great economic and political questions that confront the country.

Before proceeding to an account of the individual sessions your Committee desires to express its thanks as well as those of the officers and members of the Academy to the Provost of the University of Pennsylvania, to the President and Directors of the Manufacturers' Club and to the Committee of the Octavia Hill Association, whose co-operation was of great value in making the meeting a success.

The expenses of the Annual Meeting were met in part from an appropriation from the treasury of the Academy, but in the main by a special fund contributed by generous friends of the Academy. Your Committee desires especially to express its appreciation of the services of those who took active part in the meetings and whose contributions give to this volume its chief importance.

SESSION OF FRIDAY AFTERNOON, APRIL 4.

Topic: "The Child Labor Problem."

The President of the Academy, in formally opening the Annual Meeting, said

Members of the Academy, Ladies and Gentlemen.

It gives me great pleasure formally to open the Sixth Annual Meeting of the Academy. The series of meetings, beginning with the discussion of "The Foreign Policy of the United States," four years ago, and taking up thereafter "Corporations and Public Welfare" and "America's Race Problem," has furnished us with a series of volumes which have come to be standard reference works on the subjects with which they deal. It is safe to say that the Sixth Annual Meeting, which is devoted to the subject of "Social Legislation and Social Activity," will not fall behind the others, either in the interest of the topics or in the character of the discussions. These Annual Meetings of the Academy focus the best thought upon the questions which are in the foreground of public attention.

The subject for discussion this afternoon is one which, as you know, has been agitating different sections of the country at different periods. Your Committee has succeeded in securing a representation of the different points of view in the discussion of the afternoon. We are also fortunate in having, as presiding officer of the afternoon, one of the leading manufacturers, and it is safe to say, one of the most public-spirited citizens of Philadelphia. You all know his services to our city, but I am not sure whether many of you know how close and careful a student of industrial conditions in both the North and South he has been. I take pleasure in presenting to you Mr. Frank Leake.

On taking the chair, Mr. Leake said:

Mr. President and Members of the American Academy of Political and Social Science.

It was with pleasure that I accepted your President's invitation to preside here to-day. The particular subject which you are to discuss is one having a very important bearing on the future of this country, because at the bottom of all progress is education, and child labor, if not properly regulated, will certainly prevent proper education.

I am, as your President has said, a practical manufacturer, and yet here in Philadelphia, where my work lies, we have very little of the child labor problem to contend with; it is almost self-regulating. There are very few manufacturers who do not fall in line, not only gracefully but gladly, with the laws of our state which regulate that matter for them. There is very little of child labor in the textile mills of this city, or of this state, so far as I am acquainted.

Whatever is done in the way of regulating child labor should be done in a very conservative and open-minded spirit. The one seeking progress should be willing to consider local conditions. The key to the whole situation will be found in local conditions, because child labor at one point in our country does not present anything like the same problem that it does in another portion of the country.

The Pennsylvania laws, for the most part, are wise in their treatment of this question. I know of no organized opposition to the entire and careful enforcement of these laws. I am speaking more particularly in regard to textiles. That is my business and that is the line in which the New South is finding her great industrial development. In the South, textile mills started originally with the idea that proximity to the cotton fields was the great desideratum. It has been found that the question of proximity does not have much to do with their success. Freights on raw materials North are as low, or lower, than freights on the finished product, and in the North and West is where the finished product finds its largest market. Such being the case, the mills in the South have had to study the other problems that have come to be talked about in making their success sure, but in studying these problems they have found instinctively that the same conditions make for their success as made for the success of the mills in the North. Long years ago our New England forefathers found a sterile and rocky soil. They found it very difficult to get a living from the farm, and so turned their attention to manufacturing. In the South along the coasts and in the middle country the soil is very rich and very fertile and the people get their profit from the farm. It has always been an agricultural section, but the mountain farms are the ones where the ground is sterile, where the soil is frequently washed into the streams and where farming is on a very small scale. The Southern mountaineer has his home in a little cabin with a little patch of corn at the rear. Corn and bacon are the staple articles.

of food. The whites largely predominate in the mountain sections. At the foot of the Allegheny Mountains, the Appalachian Chain, extending through North and South Carolina, Northern Georgia and Northern Alabama, are conditions which should be considered in taking up the problem of child labor. The people live in little mountain huts year in and year out, scarcely seeing ten, twenty, very few of them seeing fifty dollars in cash a year. The cotton mill has come in there, going on the farms, taking the workers from them and bringing whole families into the manufacturing town. The farmer takes the little cottage built for him by the company, with a little patch of ground, given him on the supposition that he will cultivate it. Frequently the ground is not cultivated, and the man finds his employment in carrying the dinner-pail, while the wife, the older daughters and the older boys work in the mill. The younger ones are anxious to follow. These conditions are an advance over what they have had, and they should be advanced slowly and by degrees to anything which would be more theoretically correct. Practically they have the advance. In any question involving child labor, it is well to consider the local situation and the previous condition of those whom you are seeking to benefit.

The first speaker this afternoon is a gentleman who has had every opportunity to study the subject given to him. I am very glad that your President has had the wisdom, instead of picking those who look at these things solely from an academic standpoint, to take those men who have come into actual contact with the subject itself, men who have brought their best thought to the practical solving of this question, who desire in their everyday walk of life to be of benefit to their fellow-men, and while they are solving the hard problems of life, with which they must necessarily deal in their business, are seeking always to help and uplift those around them. Such a man is Mr. Franklin N. Brewer, General Manager of the largest department store in this city, who will address you on the subject of "Child Labor in the Department Store."

Mr. Brewer then read his paper, which is printed on pages 165-177 of this volume.

In introducing Mr. Henry White, Mr. Leake said:

The discussion of "Machinery and Labor" has been given to one who has distinguished himself for broadmindedness in dealing with labor problems, who has recognized the broad principle that

wherever advance is possible, either by machinery or by any other human function or agency, humanity is bound to take advantage of that possibility. As the latent forces are being developed in machinery, he has also advocated that the labor which it represents should recognize that and adapt itself to the new conditions with as little friction and as little loss and with as little captious criticism as possible. His attitude in all of these matters has been progressive, not radically reformatory, but always seeking the advantage along the progressive, conservative lines which make for true progress. I have pleasure in introducing to you Mr. Henry White, General Secretary of the United Garment Workers of America.

Mr. White then read his paper, which is printed on pages 221-231 of this volume.

Following Mr. White's paper and in introducing Mr. Hayes Robbins, Mr. Leake said:

As Mr. White has just shown, machinery is a revolutionizer, and machinery is so popular in this age of ours that it is revolutionizing all of our methods. One of the chief questions we have before us to-day is the harmonizing of the machinery of organization with Christian ethics. Sociology to-day is advancing so far and calling for answers to so many problems that it must of necessity merge itself with Christianity; Christianity must broaden and take the position the Master intended. All of the Master's teachings were positive, not negative. Li Hung Chang says that the Confucianists have a rule which is very similar to our Golden Rule. He says very truly, something very similar, but totally unlike in its operation. I will quote it to you. It is in effect: "Thou shalt not do unto thy neighbor what thou wouldst not have thy neighbor do unto thee." Do unto others as you would have them do unto you, is our Golden Rule. Everything Chinese is negatived; Christ, on the other hand, taught the positive. His teachings send men out into the world unto a life of helpfulness and benevolence; the contrary is producing the conditions which we find in China, where every man tries to live unto himself. It is these conditions there and here which sociology and Christianity must of necessity take cognizance of and unitedly bring to a conclusion.

The next speaker to address you has made an extended tour of the South in company with Dr. Gunton, and their findings coincide with my experience in the same country. I have made several trips to that section and they have brought me to practically the

same conclusion. I have pleasure in introducing the gentleman who will speak on "The Necessity for Factory Legislation in the South," Mr. Hayes Robbins, Dean of the Institute of Social Economics, New York.

Mr. Robbins here presented his paper, which is printed on pages 179-188 of this volume, after which Mr. Leake commented as follows upon the ideas contained in the paper.

The people employed in the Southern mills are for the most part descendants of the Scotch-Irish. They are not seekers for charity, nor anything of that sort, but the communities in which they live, or many of them, are burdened with an illiterate population composed of blacks, and they are being taxed to support that population in schools. These people coming down from the mountains are bringing to them an additional tax. The Southern Educational Society, with its headquarters in New York, has of late years taken cognizance of the conditions in which the poor whites of the South are found, and it is doing magnificent work along proper lines, without pauperizing, and is instilling in the hearts of these people a desire for education. I am happy to add to the speaker's remarks that this work is bearing fruit. The movement toward better education is increasing and it is for me and for you to help it along.

In closing the meeting, the President of the Academy said:

I want to express to the speakers of the afternoon the sincere appreciation of the Academy for their valuable contributions to the subject. I may say, furthermore, that Dr. Murphy, who has led the movement in the South for the betterment of conditions, fully expected to be here, but has been taken seriously ill in New York and is now gradually recovering from an attack which at one time threatened his life. I regret very much that you had not the opportunity of listening to him, as well as to the paper prepared by Mrs. Kelley, but you will all have the opportunity of reading her paper, as well as the addresses presented at this afternoon's session, in a volume containing the proceedings of the Annual Meeting.

SESSION OF FRIDAY EVENING, APRIL 4.

The session of Friday evening was devoted to the Annual Address, which was delivered by the Honorable Martin A. Knapp, Chairman of the Interstate Commerce Commission. Professor

Emory R. Johnson, of the University of Pennsylvania and member of the Isthmian Canal Commission, presided at the meeting.

Prior to the Annual Address the President of the Academy, Professor L. S. Rowe, of the University of Pennsylvania, presented a review of the work of the year.

Professor Johnson, in introducing Professor Rowe, said:

The Annual Meeting of the Academy has come to be a permanent and important part of the Society's activity. The four sessions lasting two days, enable the Academy to discuss with some measure of detail several phases of the general subject which seems, at the time of the meeting, to be of greatest public interest. The most important of the four sessions of the Academy is the one at which the President of the Academy reviews the work of the organization and at which the Annual Address is delivered by some distinguished scholar.

The work involved in arranging for this Annual Meeting is far greater than one would suppose who has not undertaken such a task. In order to make these meetings a success, thought and labor must be given to the subject for many weeks. Success always seems easy until one undergoes the labor by which success is achieved; but onerous as is the work of arranging for the Annual Meeting, that constitutes but a part, and indeed a small part, of the administrative duties which devolve upon the President of the Academy. We are an organization of two thousand members, about one-fourth of whom live in or near the city of Philadelphia. The activities of the organization are national rather than local. To keep up this membership and to cause it to increase rather than to decline, to manage successfully the finances of a scientific body such as ours, and to pass upon the many questions of policy which arise in the administration of the Society, require the exercise of sound judgment and a devotion to detail. If the Society were to pay its officers for their work, the Board of Directors would not think of suggesting a remuneration for the President of less than \$2,000 a year; but, as you all know, none of the officers of the Academy or editors of its publications receives any pay whatever. The work is entirely gratuitous on their part.

The American Academy has been most fortunate in its Presidents. During the first eight of the thirteen years of its existence, he President and directing mind was the honored founder of the Academy, Dr. Edmund J. James. When his academic duties

called him to the University of Chicago, Professor Lindsay succeeded him as the administrative head. Those who know Professor Lindsay personally realize that he possesses in a very marked degree the ability to organize and administer. He has most exceptional powers of initiation and execution.

A few months ago, when President Roosevelt requested Professor Lindsay to take charge of the important work of administering the educational system of Porto Rico, the Board of Directors knew exactly whom to ask to succeed Professor Lindsay as President of the Academy. As First Vice-President of the Academy and for many years a member of its editorial board, Professor Rowe had manifested his zeal for the Academy and had in many ways aided the growth of the organization. Like his predecessors, Professor Rowe always thinks towards action, and this natural trait of mind has been strengthened by the training which he has received, not only in academic life, but in the execution of responsible public duties. When President McKinley selected the Commission which was provided for under the Foraker Act, to revise and codify the laws of Porto Rico, Professor Rowe was made one of the body of three men to whom that task was entrusted. The Commission appointed by President McKinley was succeeded the following year by one provided for by the laws of Porto Rico and appointed by Governor Allen. Of this second Commission, Professor Rowe was made the President, and in that position he has carried to successful completion a thorough codification of the laws of the island, has worked out a scheme of local government, and what is perhaps most important of all, his work has been so practical that the Porto Rican Legislature has adopted, with but slight changes, the recommendations of the Commission.

At the beginning of this calendar year, Professor Rowe returned to his duties at the University of Pennsylvania. He will now tell you of the work which the Academy has done during the past year, and I am sure we all feel that what he has already accomplished in the brief period of his presidency of the Academy is an earnest of a large and most gratifying growth of our organization during the coming year.

Dr. Rowe then presented the following review of the work of the Academy for the year:

REVIEW OF THE WORK OF THE ACADEMY FOR THE YEAR 1901-02.

The presentation of the work of the Academy during the last fiscal year is so closely bound up with the activity of my predecessor that any mention of the one necessarily involves reference to the other. Those of you who have followed the work of the Academy during the last few years thoroughly appreciate the great work which he has accomplished and the splendid traditions which he has left with us. During the three years of his direction of the affairs of the Academy as Acting President and then as President, the Academy has gradually drawn to its ranks the public-spirited men and women of all sections of the country, until to-day it is the most influential organization of its kind in the United States. Our meetings are attracting the leading authorities of the country and in the publications of the Academy the most advanced thought on the great political, social and economic questions is presented.

These results were accomplished by Dr. Lindsay by reason of his abiding faith in the mission of an organization such as ours, reinforced by the high standards of public service and public duty which he constantly kept in mind. His resignation as President of the Academy, made necessary by reason of his appointment as Commissioner of Education of Porto Rico, is a severe loss, somewhat mitigated by the fact that he still retains a keen and lively interest in our work.

The honor of succeeding him is commensurate with its responsibilities. The activities of the Academy have become so manifold and varied that the adequate performance of the duties of those entrusted with the direction of its affairs must mean a severe strain unless the co-operation and support of our members is assured. We are, in a sense, a great co-operative body, each member of which contributes his share in the study and solution of the great industrial, social and political questions that confront our country.

The prospects of the Academy have never been brighter than at present, nor have its opportunities ever been greater. Whatever our view as to the direction which our national affairs have taken, it is clear to everyone that we have reached a turning-point in both our domestic and foreign policy. The need of a forum for the calm and dispassionate discussion of the many questions arising out of this change is felt in every section of the country. Our power as one of the important enlightening forces of public opinion increases

with each year and must be met with a keen sense of responsibility not only towards our members, but also towards the community at large. The Academy is a national, not a local organization, and as such its activity must be national rather than local. Every member of the Academy should feel it not only his privilege, but his duty, to watch over the direction of Academy affairs and to assure himself that the organization is fulfilling the high mission which constitutes its reason for existence.

The period since the last Annual Meeting has been marked by a number of important scientific sessions devoted to the following subjects:

On October 31 last, the topic for discussion was: "The Outlook for Civil Government in the Philippines," at which addresses were delivered by Dr. George F. Becker, of the U. S. Geological Survey, and Mr. Abreu, a native Filipino connected with the War Department at Washington.

On December 13 last, the topic discussed was: "The Policy of Commercial Reciprocity," and the speakers of the evening were Hon. John A. Kasson and Mr. A. B. Farquhar.

On March 1 the subject of "The Extension of American Influence in the West Indies" was considered; Dr. L. S. Rowe, of the University of Pennsylvania, delivered the address of the evening, and Captain W. V. Judson, of the Corps of Engineers, U. S. Army, presented a discussion of the strategic considerations connected with the topic of the evening.

The publications of the Academy, which constitute the main channel of communication between our members, have kept in close touch with the trend of affairs. The plan of issuing separate volumes devoted to special topics has been further developed and has met with great success. In January a special volume on "Transportation and Commerce" was issued, with such eminent contributors as Hon. Martin A. Knapp, John Franklin Crowell, B. H. Meyer, Samuel Pasco, Emory R. Johnson, H. T. Newcomb and Alfred Nerinx. In May a special volume on "The Government of Dependencies" was issued, and the July number of *THE ANNALS* contains the proceedings of the Sixth Annual Meeting.

The membership of the Academy at the present time is 1,990, of which sixty-two are life members.

The magnitude of the Academy's work has forced upon your Board of Directors the question of adequate quarters for the library

and offices of the organization. At the present time the University of Pennsylvania places at our disposal quarters in one of the University buildings. The time is soon coming, however, when the work of the Academy will require a separate building with adequate library facilities. This is a question which I wish to bring to the attention of every member of the Academy, and especially invite their co-operation in devising means by which this end may be accomplished.

From whatever point of view, therefore, we examine the work of the Academy, there is evidence of steady and healthy growth in all directions. Our combined efforts must now be directed towards the further extension of the work, for in an organization such as ours lack of growth means retrogression and decay.

Professor Johnson, in introducing Judge Knapp, said:

When the Academy decided to devote the Annual Meeting to a discussion of "Social Legislation and Social Activity," it was felt that the Annual Address should be devoted to the subject of transportation. Social activity is everywhere, and at all times, conditioned by the facilities for travel and shipment. They determine the measure and direction of social progress; and the first and possibly the greatest subject of social legislation is the regulation of transportation.

For the consideration of this great question, it was felt that the one man pre-eminently qualified was the Chairman of the Interstate Commerce Commission, and not alone because of his official position, although as the guiding mind of that most dignified and influential body he has had unrivaled facilities for acquiring a clear and comprehensive insight into the problems of transportation, it was because of his exceptional personal qualities, because of his calm poise of judgment, his judicial fairness that makes him command the respect and admiration alike of the railway official and the complainant shipper, and because of the clear and lofty diction he has employed in all his numerous essays and public addresses.

The work of the Academy has had the benefit of Judge Knapp's frequent co-operation. On the occasion of the Thirty-fourth Scientific Session he addressed our Society upon the subject of Railway Pooling, and the able paper presented by him was published in Volume VIII of *THE ANNALS OF THE ACADEMY*. Judge Knapp again contributed to *THE ANNALS* last January, when a paper by him on "Government Ownership of Railroads" was published.

Both of these papers have been highly serviceable to all students of current transportation problems, and have done much to widen the beneficent educational influence of the Academy.

The trained jurist is not infrequently a cultured scholar, but it is seldom that a man possesses in addition to these attainments the genius to instruct and the altruistic spirit that prompts to a devotion of his talents to the furtherance of the public good. Judge Knapp's powers are generously active for the betterment of the age in which he lives; and it is a source of satisfaction to the members of the Academy that the Society has been one of the agencies by means of which Judge Knapp has given to the public the results of his valuable experience and sound thinking.

Judge Knapp then delivered the Annual Address, printed on pages 1-15 of this volume.

SESSION OF SATURDAY AFTERNOON, APRIL 5.

Topic: "The Housing Problem."

The President of the Academy, in introducing the presiding officer of the afternoon, said:

Members of the Academy, Ladies and Gentlemen.

It is fortunate for us, both as members of the Academy and as citizens of Philadelphia, that when a subject of great importance is to be discussed by our organization, we are always able to call upon some citizen of Philadelphia whose interest in the subject, whose work, whose activity along these special lines enable him to preside over our deliberations with the authority that the subject calls for. I have very great pleasure in presenting to you this afternoon as presiding officer the Honorable William W. Porter, Justice of the Superior Court of Pennsylvania, in whose hands I now place the meeting.

Judge Porter, in introducing the Honorable Robert W. De Forest, said:

We Philadelphians are apt to pride ourselves on the descriptive title which others have given to our city and which we have adopted, namely, that it is a city of homes. This is true of it to-day. It has ever been true. But none of us can shut his eyes to the facts that the population of the poor and the vicious has become congested in certain sections of the city, and that tenement houses,

unknown to us for many years, are intruding in considerable numbers. To us Philadelphians, however, the topic for discussion would have greater significance had it been made the "Homing Problem" instead of the "Housing Problem." The workingman's struggle has ever been, in Philadelphia, not for a "house" in the sense of a room in a tenement, but for a home where within the four walls he may know privacy and proprietorship. We have been wont to say that a man's home is his castle and that he would die in a struggle for its protection. This may yet be said of the home owner who is a house owner. But there is no instance on record, known to me, where there has been any serious loss of life in the defence of a room in a boarding-house or tenement.

It is with great pleasure that I introduce to you the first participant in the discussion of the topic before us, Hon. Robert W. De Forest, Tenement House Commissioner of Greater New York, a gentleman who comes from a city which has had to meet the problem of housing the poor in its most difficult form, a gentleman who, notwithstanding his large professional obligations and duties and the time required by them, has been able to give much thought and useful labor to the attempted solving of what is, up to the present time, only a partially solved problem.

Mr. De Forest then presented his paper, which is printed on pages 81-95 of this volume.

In introducing Miss Addams, Mr. Porter said:

There was a time when true charity, as we understand it, was unknown. The knowledge and practice of it came only with Christian civilization. The impulse to do for others was first and strongest felt by women. The early administration of charity by them was, however, largely of the heart, rather than of the understanding. The time is here when women, with hearts just as warm in the work, have tempered their enthusiasm with cool, deep, serious, conscientious thought. These women are furnishing to us the best type of the best citizenship in the department of altruistic work.

It is with pleasure that I introduce to you a woman who exemplifies what I have asserted; a woman who has been at the head of a charitable work which has accomplished wonders; a woman who has thought, wrought and written well. It is with very great pleasure that I present to you one who will speak on the "Housing Problem in the City of Chicago," Miss Jane Addams, of Hull House.

Miss Addams' address will be found on pages 97-107 of this volume.

Mr. Porter then introduced Mr. Nathaniel B. Crenshaw, who presented the results of an investigation by the Octavia Hill Association into the Housing Problem in Philadelphia. The paper read is printed on pages 109-120 of this volume.

The President of the Academy, in closing the session, said:

In closing the meeting I desire to express to the speakers of the afternoon, as well as to the presiding officer, the sincere thanks of the Academy, and I feel that I am simply giving expression to your feelings when I say that we all go away with new ideas and a new inspiration in the work of bettering social conditions.

SESSION OF SATURDAY EVENING, APRIL 5.

Subject: "Industrial Conciliation and Arbitration; Its Possibilities and Limitations."

In giving the meeting into the hands of the presiding officer of the evening, Mr. Charles Custis Harrison, the President of the Academy said:

Members of the Academy, Ladies and Gentlemen.

We have much of importance to hear this evening and there is therefore little time for formal introductions. I have the honor of presenting to you, as presiding officer of the evening, Dr. Charles Custis Harrison, Provost of the University of Pennsylvania.

Dr. Harrison, in introducing Senator Hanna, said:

Ladies and Gentlemen.

The meeting to-night has to do with the questions which relate to the maintenance of industrial peace or to the restoration of peace relationships in industrial relations if they shall be disturbed. Perhaps I may say that question has peculiar interest to myself entirely outside of my academic connections, because many years before I entered the service of the University I was myself a large employer of labor. One of the testimonials, perhaps the testimonial which I most value of any which I have received, was one which the two thousand men in our service gave to us at the time we went out of business.

We do not realize that the conditions under which we are living are totally different from those of twenty-five years ago. During

almost all my business life, and I suppose during Senator Hanna's business life, the maxim on which business was conducted was that competition was the life of trade, and there was a constant struggle of competition between producer and producer and between man and man for a position, and it is only within a few years that it has dawned upon the mind of the world that another economic maxim might have weight, the maxim that where combination is possible, competition is impossible. We are working now under that maxim, and so we have federations of labor and we have federations of capital. So long as justice is not universal there will be a conflict of interests between labor and capital, and the practical question seems to be, how to bring these two interests together.

All these matters are really solvable only in a practical way. Most people need a mediator—somebody to intervene. We know, ourselves, even in the matter of the rental or buying of a house, a man is often not willing to disclose himself fully and must employ a third party. The practical question is, how to get the men together, because in that way difficulties are settled and only in that way. Whosoever takes a part in preserving industrial peace or in adjusting the conditions as between employer and employed confers an extraordinary benefit upon the whole community.

In everything the man is greater than the scheme. What one man finds impossible to do, another man succeeds in doing. The first speaker of the evening is Senator Hanna, a man who translates his oratory into action. He has consented to add to the extraordinary responsibilities of state, which he has borne for so many years, the duty of being one of the members of a board of conciliation or arbitration, and I have the very great pleasure of presenting him to you.

Senator Hanna's address is printed in full on pages 19-26 of this volume.

The next speaker of the evening was Mr. Samuel Gompers, who spoke on "Limitations of Conciliation and Arbitration." In introducing Mr. Gompers, the presiding officer said:

Ladies and Gentlemen.

I shall now introduce as the next speaker the President of the American Federation of Labor, who has devoted his life since boyhood towards the betterment of the laboring classes, and not only towards that question alone, but also to the philosophical

side of everything which has to do with questions concerning labor. I am glad of the opportunity of introducing to you Mr. Samuel Gompers.

The address of Mr. Gompers is printed on pages 27-34 of this volume.

The speaker following Mr. Gompers was the Hon. Oscar S. Straus, who spoke on "The Results Accomplished by the Industrial Department of the National Civic Federation." In introducing Mr. Straus, the presiding officer said:

The man to whom was referred the important duty of appointing the Industrial Committee of Thirty-six of the Civic Federation, to which reference has been made so often this evening, and who, in response to his first invitation received thirty-five affirmative replies, the Hon. Oscar S. Straus, is the gentleman whom I now have the pleasure of introducing.

The address of Mr. Straus is printed in full on pages 35-42 of this volume.

The last speaker of the evening was Mr. William H. Pfahler, who spoke on "Co-operation of Labor and Capital." The paper read by Mr. Pfahler is printed in full on pages 43-58 of this volume.

Respectfully submitted,

LEO S. ROWE, *Chairman*;
JOSEPH G. ROSENGARTEN,
JOHN H. CONVERSE,
JAMES B. DILL,
STUART WOOD,
SIMON N. PATTEN,
J. GORDON GRAY,
CLINTON ROGERS WOODRUFF,
JOSEPH M. GAZZAM,
EDWARD T. DEVINE,
JAMES T. YOUNG,
WILLIAM H. ALLEN,

Special Committee on Sixth Annual Meeting